1983

CAGE

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WARRANT

for

SPECIAL TOWN MEETING

For Reference

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DECEMBER 5, 1983

AT THE
JUNIOR HIGH SCHOOL

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FOR

1983 SPECIAL TOWN MEETING

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WARRANT FOR SPECIAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Town of Wayland

To any of the Constables of the Town of Wayland, in said County:

Greetings:

In the name of the Commonwealth you are required to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet in the Junior High School Cafetorium on

Monday, December 5, 1983

at 7:45 P.M., then and there to act on the following articles:

NOTE: It is the intention of the Finance Committee to request of the Town that if adjourned meetings be necessary to complete the action on the Warrant, they be held Tuesday, December 6, and Thursday, December 8, 1983.

NOTE: For all articles regarding appropriations, a majority quantum of vote is required, assuming that monies will be provided from available funds or transferred funds previously appropriated for another purpose, and not by borrowing or other extraordinary source which would require a two-thirds vote.

ARTICLE 1. AMEND WAGE AND SALARY PLAN

Proposed by: Personnel Board

Article 1. To see if the Town will vote to amend the Wage and Salary Classification Plan previously adopted by the Town by deleting the entire Article II, Section 1 of said Plan and substituting in place thereof the following new Article II, Section 1 and by establishing effective dates for such amendments; or take any action relative thereto.

ARTICLE II

SALARY AND WAGE RATES

Section 1. The positions of all non-elected Town employees are classified under the following job titles with the wage and salary rates set forth:

ADMINISTRATIVE AND PROFESSIONAL*

FISCAL YEAR 1984 SALARY RANGES

	POSITION TITLE	MIN.	MAX.
	Executive Secretary	$32,500	$48,500
	Admin. Financial Serv./Personnel	28,000	42,000
	Administrative Assistant	18,000	27,000
	Fire Chief	28,000	42,000
	Police Chief	29,000	43,000
	Town Accountant	24,000	36,000
	Highway Superintendent	23,500	35,500
	Park & Rec. Superintendent	23,500	35,500
	Water Superintendent	23,000	34,000
	Detached Social Worker	21,500	32,500
	Treasurer/Collector	20,000	30,000
	Town Surveyor	23,000	34,000
	Building/Zoning Inspector	20,000	30,000
	Library Director	19,000	29,000
	Conservation Administrator	17,000	26,000
	Data Processing Manager	21,500	32,500
	Dog Officer	12,000	18,000
	Super. of Joint Communications	14,500	21,500
**	Chief Operator W/S Septage Plant	19,000	29,000

* Ranges adjusted up 6% by Personnel Board, effective July 1, 1983.

** New Position since last Annual Town Meeting, effective July 11, 1983.

NON-UNION SCHEDULE*

FISCAL YEAR 1984 SALARY RANGE

Grade	Minimum	1 Year	2 Years	3 Years
S-3	10,346	10,733	11,187	11,618
S-4	10,733	11,187	11,618	12,093
S-5	11,187	11,618	12,093	12,568
S-6	11,618	12,093	12,568	13,075
S-7	12,093	12,568	13,075	13,594
S-8	12,568	13,075	13,594	14,131
S-9	13,075	13,594	14,131	14,716
S-10	13,594	14,131	14,716	15,298
S-11	14,131	14,716	15,298	15,906
S-12	14,716	15,298	15,906	16,526
S-13	15,298	15,906	16,526	17,197
S-14	15,906	16,526	17,197	17,877
S-15	16,526	17,197	17,877	18,126
S-16	17,197	17,877	18,126	19,345
S-17	17,877	18,126	19,345	20,118
S-18	18,126	19,345	20,118	20,924
S-19	19,345	20,118	20,924	21,759
S-20	20,118	20,924	21,759	22,629

*Ranges adjusted up 7% by Personnel Board effective July 1, 1983

OFFICE STAFF - UNION*

Grade	Title	Fiscal Year	Start. Sal.	After 1 Yr.	After 2 Yrs	After 3 Yrs	After 4 Yrs	After 5 Yrs	After 6 Yrs
C-1	Apprent. Clerk	1984	8,103	8,449	8,797	9,126	9,511	9,858	10,263
C-5	Junior Clerk	1984	9,511	9,858	10,263	10,669	11,093	11,537	11,980
C-6	Mach.Rm. Clerk	1984	9,858	10,263	10,669	11,093	11,537	11,980	12,462
C-7	Switchbd. Operator	1984	10,263	10,669	11,093	11,537	11,980	12,462	12,964
C-8	Senior Clerk	1984	10,669	11,093	11,537	11,980	12,462	12,964	13,485
C-12	Principal Clerk	1984	12,462	12,964	13,466	14,006	14,565	15,144	15,742
C-13	Super. Clerk	1984	12,964	13,466	14,006	14,565	15,144	15,742	16,379
C-14	Super. of Accounts	1984	13,466	14,006	14,565	15,144	15,742	16,379	17,015
C-14	Assessors Clerk **	1984	13,466	14,006	14,565	15,144	15,742	16,379	17,015
C-15	Payroll Super.	1984	14,006	14,565	15,144	15,742	16,379	17,015	17,690

*Stipends are added by vote of the Personnel Board. Currently, Principal Clerk in the Water Department has a stipend of $500.

**Reclassification, effective June 14, 1982.

POLICE DEPARTMENT*

Grade	Title	Fiscal Year	Starting Salary	After 1 Year	After 2 Years	Maximum
P-3	Lieutenant	1984	24,683	25,934	27,241	28,617
P-2	Sergeant	1984	21,340	22,401	23,505	24,682
P-1	Police Officer	1984	18,066	18,790	19,542	20,318

*Night Differential of .30 per hour. Stipend of $750 per year when officer serves as Investigative Officer; stipend of $2,000 per year for service as Youth Officer; stipend of $500 for service as Prosecuting Officer.

JOINT COMMUNICATIONS CENTER

Grade	Title	Fiscal Year	Start. Sal.	After 1 Yr.	After 2 Yrs	After 3 Yrs	After 4 Yrs	After 5 Yrs	After 6 Yrs
CD-12	Dispatcher	1984	12502	12964	13472	14000	14574	15169	15742

FIRE DEPARTMENT*

Grade	Title	Fiscal Year	Start. Salary	After 1 Yr.	After 2 Yrs.	Maximum
F-5	Deputy Chief	July 1, 1983	26,251	26,251	26,251	26,251
		Jan. 1, 1984	26,667	26,667	26,667	26,667
F-4	Captain	July 1, 1983	21,235	21,990	22,776	23,595
		Jan. 1, 1984	21,651	22,406	23,192	24,011
F-3	Mechanic	July 1, 1983	19,975	20,699	21,446	22,224
	& Elect.	Jan. 1, 1984	20,391	21,115	21,862	22,640
F-2	Clerk	July 1, 1983	18,266	18,920	19,978	20,301
		Jan. 1, 1984	18,682	19,336	20,394	20,717
F-1	Fire-	July 1, 1983	17,487	18,113	18,757	19,428
	Fighter	Jan. 1, 1984	17,903	18,529	19,173	19,844

*Firefighters qualified as Emergency Medical Technicians receive a stipend of $650 per year. Reflects salary increases for FY 1984 negotiated with Union since last Annual Town Meeting.

WATER DEPARTMENT

Grade	Title	Fiscal Year	Starting Salary	After 1 Year	After 2 Years	After 3 Years
WS-15	Maintenance #1	1984	16,734	17,288	18,014	18,685
WS-11	Maintenance #2	1984	14,486	15,037	15,566	16,161
Contract Meter Reader		1984	.60 per meter read			

OFFICE STAFF - NON-UNION

Grade	Title	Fiscal Year	Starting Salary	After 1 Year	After 2 Years	After 3 Years
S-18	Sec. to Exec. Sec.	1984	18,126	19,345	20,118	20,924
S-18	Comp. Operator Lead	1984	18,126	19,345	20,118	20,924
S-12	Secretary	1984	14,716	15,298	15,906	16,526
Hrly. Sen. Sec. Aide*		1984	5.92	5.92	5.92	5.92
Hrly. Sec. Aide*		1984	5.28	5.28	5.28	5.28

*Seasonal or intermittent employees. Not permanent employees, no fringe benefits.

TOWN SURVEYOR

Grade	Title	Fiscal Year	Starting Salary	After 1 Year	After 2 Years	After 3 Years
S-18	Sen. Eng. Aide	1984	18,126	19,345	20,118	20,924
S-14	Eng. Aide	1984	15,906	16,526	17,197	17,877

BOARD OF HEALTH

Grade	Title	Fiscal Year	Starting Salary	After 1 Year	After 2 Years	After 3 Years
S-14	Assoc. Det'd. Social Worker	1984	15,906	16,526	17,197	17,877
Hrly. Health Inspector		1984	9.77	9.77	9.77	9.77
Environ.Eng.(Contract)		1984	17,975			
Coll. Dead Animals(Con)		1984	600			
Animal Inspector (Con)		1984	630			

LIBRARY - UNION

Grade	Title	Fiscal Year	Min.	After 1 Yr.	After 2 Yrs	After 3 Yrs	After 4 Yrs	After 5 Yrs
L-17	Childrens Libr. Head Tech.Serv.	1983	16708	17395	18079	18802	19554	20336
L-14	Asst.Libr.	1983	14866	15446	16072	16708	17376	18071
L-10	Admin.Asst. Head Circ.	1983	12705	13207	13754	14298	14870	15465
L-8	Asst. Child. Libr.	1983	11747	12220	12705	13207	13736	14285
L-6	Libr. Asst.	1983	10858	11303	11747	12220	12709	13218
L-5	Custodian	1983	10456	10858	11303	11747	12217	12705
NON-UNION								
Hrly. Libr. Cl.		1984	5.37	5.37	5.37	5.37	5.37	5.37
Hrly.Libr.Page		1984	3.35	3.35	3.35	3.35	3.35	3.35

HIGHWAY

Grade	Title	Fiscal Year	Starting Salary	After 1 Year	After 2 Years	After 3 Years
H-11	Gen.Foreman	1984	9.03	9.34	9.65	9.97
	Master Mech.	1984	9.03	9.34	9.65	9.97
	Oper.Septage Plant *	1984	9.03	9.34	9.65	9.97
H-10	Working Foreman	1984	8.73	9.03	9.34	9.65
	Mechanic**	1984	8.73	9.03	9.34	9.65
H-9	Mechanic Welder	1984	8.46	8.73	9.03	9.34
H-8	Area Disp. Operator	1984	8.17	8.46	8.73	9.03
H-7	Heavy Equip. Operator	1984	7.93	8.17	8.46	8.73
H-6	Med.Equip. Operator	1984	7.67	7.93	8.17	8.46
H-4	Laborer-Driver	1984	7.20	7.43	7.67	7.93
H-1	Laborer C	1984	6.55	6.77	6.97	7.20
Seas.Work.Foreman***		1984	4.75	4.75	4.75	4.75
Hrly.Misc.Lab. ***		1984	3.50	3.50	3.50	3.50

*New Position since last Annual Town Meeting, effective July 11, 1983.
**Reclassified since last Annual Town Meeting from H-9, effective July 11, 1983
***Seasonal and intermittent employees; not permanent employees.

PARK AND RECREATION

Grade	Title	Fiscal Year	Starting Salary	After 1 Year	After 2 Years	After 3 Years
P&R 1	Groundskeeper I	1984	6.97	7.20	7.43	7.68
P&R 2	Groundskeeper II	1984	7.20	7.43	7.68	7.93
P&R 3	Groundskeeper III	1984	7.93	8.17	8.46	8.73
P&R 4	Working Foreman	1984	8.46	8.73	9.03	9.34
P&R 5	Mechanic	1984	8.73	9.03	9.34	9.65
P&R 6	General Foreman	1984	9.03	9.34	9.65	9.97
Seasonal Laborer		1984	3.60	3.85	4.10	

Seasonal - Beach - Summer 1983*

	1st Year	2nd Year	3rd Year
Head Life Guard	4.40	4.60	4.80
Lifeguard/Instructor	3.90	4.10	4.30
Swim Aides	3.00	3.20	3.40
Beach Police	3.50	3.70	3.90
Temp. Life Guard	3.60	3.60	3.60
Temp. Beach Police	3.35	3.35	3.35
Sailing Instructor	4.40	4.40	4.40
Beach Supervisor	5.10	5.30	5.50

*Reflects adjustments made by Personnel Board since last Annual Town Meeting, effective April 25, 1983.

PART TIME/SEASONAL POSITIONS

Title*	Salary FY 1984
Inspectors - Gas	3,565
Wiring	7,130
Plumbing	3,665
Sealer of Weights and Measures	8.00/Hour*
Veteran's Agent	5,000
Auxiliary Police Chief	1,300
Registrars of Voters	50
School Traffic Supervisors	3,135*
Substitutes	16.49/Day*
Special Police, Matrons	8.00/Hour*
Police Cadet - Interns	122.50/Week
Call Firefighters	8.00*
Divers - Regular	20.00/Hour
Under Ice	25.00/Hour

*Reflects adjustments made by Personnel Board since last Annual Town Meeting, effective July 1, 1983.

COMMENTS: This Article was inserted in the Warrant by the Personnel Board. The proposed amendment will bring the Wage and Salary Plan up to date with actions taken by the Personnel Board at the start of this fiscal year. It also reflects the labor settlement recently reached with the Firefighters Union. All changes are indicated by footnotes to the salary schedules.

ARGUMENTS IN FAVOR: This Article ratifies the actions taken by the Personnel Board in carrying out the duties specified in the Town's By-Laws and delegated to it by the Board of Selectmen.

ARGUMENTS OPPOSED: The Finance Committee has not heard or discovered any.

RECOMMENDATION: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Majority - see Mass. G.L. Ch. 41, Sec. 108A

ARTICLE 2. AMEND BY-LAWS - PROCEDURE AT TOWN MEETING

Proposed By: Board of Selectmen

Article 2. To see if the Town will amend ARTICLE 2 of its By-Laws, entitled "PROCEDURE AT TOWN MEETING," by deleting Section 4 thereof in its entirety, which Section 4 presently reads as follows:

> "Section 4. If an article of the Warrant has once been acted upon and disposed of, it shall not be considered at that meeting except by a two-thirds vote."

and substituting in its place the following:

> "Section 4. If an article of the Warrant has once been acted upon and disposed of, it shall not again be considered that day; but if a motion to return to the article is made at any time, debate and action on said motion shall be the first order of business at the next session of said Town Meeting, unless there is no further session, in which case debate and action on said motion shall be deferred until all other articles shall have been disposed of. In any event, a two-thirds vote shall be required for approval of a motion to return to an article."

or take any action relative thereto.

COMMENTS: This Article was voted at the 1976 Annual Town Meeting. A former Town official did not send it to the Attorney General whose approval is necessary before any new by-law takes effect. The Board of Selectmen inserted this Article in the Warrant to correct the oversight.

The Finance Committee in the 1976 Warrant had the following comments on the Article:

> "This Article was inserted in the Warrant by a citizen's petition carrying at least ten signatures and calling for an amendment to the Town By-Laws with respect to the procedure at Town Meeting for returning to articles previously disposed of.
>
> At the present time a motion to return to any article may be made at any time during any session if carried by a two-thirds vote. The proposed amendment would still require a two-thirds vote, but postpone such reconsideration until the following session of Town Meeting when it would become the first order of business. A motion to reconsider made at what turns out to be the final session would become the last order of business on that evening.

This change in the By-Laws would prohibit the unexpected return to an article previously disposed of for roughly twenty-four hours so that the proponents and opponents of the article who might not have been in attendance at the time the motion to return was made, will have a reasonable time in which to marshal their forces and have them present for the reconsideration of the article. By-Laws of this sort exist in other towns."

ARGUMENTS IN FAVOR: Town Meetings have been conducted under this by-law since its adoption and presumed effective date in 1976 without problems.

ARGUMENTS OPPOSED: The Finance Committee has not heard or discovered any.

RECOMMENDATION: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Majority - see Mass. G.L. Ch. 40, Sec. 21

ARTICLE 3. AMEND BY-LAWS - STATE OF EMERGENCY

Proposed By: Board of Selectmen

Article 3. To see if the Town will amend Article 3 of its By-Laws, entitled "DUTIES OF SELECTMEN", by adding thereto the following new Section 3:

> "Section 3. The Board of Selectmen shall have the authority to declare a state of emergency in the Town of Wayland upon the occurrence of any disaster, catastrophe, fire, flood, earthquake, storm, or other natural calamity. Any state of emergency proclaimed by the Board of Selectmen shall, unless sooner terminated by proclamation of the Board of Selectmen, terminate five (5) days from the day it takes effect."

or take any action relative thereto.

COMMENTS: This Article was voted unanimously at the 1978 Annual Town Meeting. A former Town official did not send it to the Attorney General, whose approval is necessary before any new by-law takes effect. The Board of Selectmen inserted this Article in the Warrant to correct the oversight.

The Finance Committee in the 1978 Warrant had the following comments on the Article:

> "This Article was inserted in the Warrant to facilitate the management of the Town government during a period of severe difficulties.
>
> State statute empowers the Town government to declare a state of emergency in times of riot or other civil disturbance, but at present does not set forth any mechanism relative to natural calamities.
>
> This amendment to the By-Laws will close the void in the Town's legal authority to deal with emergency situations that arise from acts of nature.
>
> The past winter months have given us all adequate examples of the need for the Town to have this authority in its By-Laws."

ARGUMENTS IN FAVOR: The Town has functioned well in times of severe weather conditions under this by-law since its adoption and presumed effective date.

ARGUMENTS OPPOSED: The Finance Committee has not heard or discovered any.

RECOMMENDATION: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Majority - see Mass. G.L. Ch. 40, Sec. 21

ARTICLE 4. RECODIFICATION OF ZONING BY-LAWS

Proposed by: Board of Selectmen and Zoning By-Law Committee

Article 4. To see if the Town will vote to amend its Zoning By-Laws as currently in effect by deleting the text portion thereof in its entirety and substituting therefor a proposed recodification and reorganization of the Zoning By-Laws prepared by the Zoning By-Law Committee appointed pursuant to vote of the June, 1981 Special Town Meeting, which recodification and reorganization is printed as Appendix A of the Warrant for the December 5, 1983 Special Town Meeting; or take any action relative thereto.

COMMENTS: This Article has been inserted into the Warrant at the request of the Zoning By-Law Committee to see if the Town will replace the existing Zoning By-Laws with a set of recodified By-Laws prepared by that Committee.

The Zoning By-Law Committee was created by Article 5 of the June Special Town Meeting of 1981 and was charged "... to propose one or more Articles to a Special Town Meeting to be held not later than the Fall of 1983" and to change the By-Laws by "A reorganization or re-structuring of the Zoning By-Laws of the Town without making any substantial procedural or substantive changes in such By-Laws;" and to do so so "... that they will be more understandable to a layman; have logical groupings of topics; follow a logical progression; and generally enable a person to read what must be done, step by step, to comply with the Zoning By-Laws".

The Committee has rearranged and regrouped the existing By-Laws so that all parts of the By-Laws applying to similar subjects appear together. The process has been one of cut and paste to put the appropriate parts together. Care has been taken to avoid rewording and to do so only where the meaning of the By-Law is clear and where the changes would not affect the meaning. Considerable effort has gone into the review process to assure that the revised By-Laws reflect the precise meaning and intent of the old By-Laws. This review process has included reviews by the Committee itself by Town Counsel, by members of other Town Boards, at two public hearings, and by a number of Town citizens having expertise or interest in the By-Laws. Another public hearing will be held by the Planning Board prior to Town Meeting. The Committee's proposal does not in any respect change the zoning-map portion of the By-Law.

This recodification effort is believed to be the first in the 50 years since the By-Laws were adopted. There was a compilation activity that Town Meeting adopted in 1972 that brought together all the amendments to the By-Laws that had been created by Warrant Articles over the years.

ARGUMENTS OPPOSED: There may be small differences still existing between the two versions of the By-Laws that might be found by spending more time examining the recodification.

ARGUMENTS IN FAVOR: The Zoning By-Law Committee has fulfilled the charge given to it by Town Meeting. The Proposed Recodification of the Town of Wayland Zoning By-Laws represents a substantial improvement in the usability of the Zoning By-Laws and should be adopted at this time by the Town. Improvements of clarity or substance can be adopted as needed in the future.

RECOMMENDATION: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Two-thirds - see Mass. G.L. Ch. 40A, Sec. 5

ARTICLE 5. APPRAISAL OF PROPERTY FOR REASSESSMENT

Proposed By: Board of Assessors

Estimated Cost: $59,100

Article 5. To see if the Town will appropriate a sum of money to be expended by the Board of Assessors for an expert appraisal and revaluation of all taxable property within the Town; to determine whether such money shall be provided by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the authority of the General Laws, or otherwise; or take any action relative thereto.

COMMENTS: The funds to be appropriated under this Article, $59,100, will be added to those funds, $38,900, which were previously voted by the 1983 Annual Town Meeting within the Assessors' budget.

At the time of the last Town Meeting in April, the then existing State law required towns to revalue property every two years, but, as was discussed in the Finance Committee comments, there was reason to believe that the law might be amended to require revaluation at three-year intervals, and this has occurred.

The Town was last revalued to be effective as of January 1, 1981 and so must be done again, as of January 1984. The first tax bills to reflect the new assessments will be those which taxpayers will receive in October 1984. Utilizing only the funds already appropriated, preliminary work is underway.

The United Appraisal Company, the firm selected by the Assessors, also performed the 1975 and 1981 revaluations.

The contract with United also provides for the delivery to the Town of the software program required to execute annual updating of the Assessors' records resulting from sale of houses, new construction, subdivisions, alterations, building permits, etc.

The State exerts substantial influence over the entire revaluation process, including approval of the firm, the processes to be employed, and the contract provisions, as well as the individual assessments.

The voters should be aware that the State's involvement has led to the widespread use of computer-based appraisal techniques. The Computer Assisted Mass Appraisal (CAMA) process apppears to be the most cost-efficient way to satisfy the State's ongoing requirement for achieving revaluation every three years. The use of computers and computer programs eliminates a large portion of the manual effort that goes into each revaluation and produces more nearly accurate results as measured on a statistical basis.

The Town has little choice in this matter since it will not be allowed to send out any tax bills in October 1984 unless the revaluation has taken place under a State-approved process.

The new revaluation to be partially funded under this Article will not involve an interior inspection of all homes, but will call for inspection of all new construction, all alterations, and buildings where building permits were issued since the last revaluation, as well as any other special situation.

Taxpayers will, as in the past, receive Impact Notices reflecting their new assessments prior to the formal adoption of the assessment. The contract calls for individual meetings with any taxpayer who may be concerned about the new assessment.

ARGUMENTS OPPOSED: Towns should not be forced to bear the expense of such a burdensome State requirement.

ARGUMENTS IN FAVOR: If we fail to revalue, the State can do it for us, using a firm of their choosing, and deduct the cost from our State aid. In addition to not saving money, we would not be left with the tools needed to perform the same task in future years.

RECOMMENDATION: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Majority - See Mass. G.L. Ch. 40, Sec. 5, Ch. 44, Sec. 33B

ARTICLE 6. CAR-TOP BOAT LAUNCH FACILITY

Proposed By: Conservation Commission

Article 6. To see if the Town will appropriate a sum of money to be expended for construction of a facility near Dudley Pond where the public may launch small non-motorized boats and park their automobiles while using such boats, and to authorize the facility to be located at either of the following two sites:

Site A -

Consisting of Lots 107, 109, 110, and 111 as shown on a plan entitled "Plan of Castle Gate South Section Wayland, Mass." dated July 20, 1918 by E. Worthington, Engineer, on file in the Middlesex South District Registry of Deeds, Cambridge, Mass. in Plan Book 271 as plan number 3, and a portion of Mansion Road shown as parcel "A" on a plan entitled "Plan Showing Parcel of Land To Be Used For Boat Launching Facility" dated November 7, 1983 by the Wayland Engineering Department on file with the Town Clerk.

Site B -

Consisting of Lots 269, 270 and 271 as shown on Land Court Plan 4027C entitled "Subdivision of Lot A shown on plan filed with Cert. of Title No. 4107 South Registry District of Middlesex Co., Land in Wayland", dated January 25, 1913 by Russell H. Whiting, Civil Engineer, and also a portion of Lots 267 and 268 as shown on a plan entitled "Plan of A Portion of Lots 267 and 268 on Dudley Road To Be Used For A Boat Launching Facility" November 8, 1983 by the Wayland Engineering Department on file with the Town Clerk.

to determine whether such money shall be provided by appropriation from available funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or Federal government, or otherwise, and which board or committee shall be authorized to expend the money so appropriated and oversee construction of the facility; to determine what board or committee or combination of them shall be authorized to operate or maintain the facility and, if required by applicable law, whether the Town will authorize the transfer of custody and control of the selected site or any portion thereof to such board or committee or combination of them, the discontinuance of any Town way or portion thereof within the site, and/or the filing of a petition with the Massachusetts General Court for special legislation (including legislation under Article 97 of the Articles of Amendment to the Constitution) approving all actions taken under this Article; and to determine what conditions, if any, to place upon any of the foregoing authorizations; or take any action relative thereto.

COMMENTS: This Article is a sequel to Article 5 of the November, 1982 Town Meeting, under which the Town voted to acquire the Schoenfield land for conservation purposes and authorized the Conservation Commission to seek financial aid in connection with that acquisition. Acquisition of the land has been completed, and Self-Help financial aid amounting to $66,880 has been tentatively awarded by the Massachusetts Office of Environmental Affairs, but the aid is subject to the condition that the Town establish a formal public facility for launching "car-top" boats (canoes, small sailboats, wind-surfers, etc.) on Dudley Pond. Essentially, if the Town wants to take advantage of the $66,880 to help pay for the Schoenfield property, we must construct a public-access boat launch on Dudley Pond. After granting two extensions, the State has set a deadline of December 31, 1983 for the Commission to get the authority to put in the facility. Since State money will be involved, Dudley Pond will be listed along with other Great Ponds open to public access in a publication of the State Division of Fisheries and Wildlife entitled "A Guide to Fresh Water Fishing" which the Division will send to those who request it.

The Commission feels that Dudley Pond is a Town-wide resource and therefore the Town should be allowed to vote on whether this money should be accepted, given the requirement for a boat launch. The Commission agrees that this Article should be rejected unless the Selectmen ban motorized boats on Dudley Pond. The Selectmen plan to meet and hold a public hearing on this issue before the Special Town Meeting. As the Selectmen have jurisdiction over Dudley Pond, they may change the rules and regulations of the Pond, subject to State approval, without a vote of Town Meeting.

There are two sites under consideration for construction of a boat launch. The preferred location is Mansion Beach, at the intersection of Mansion Road and Lake Shore Drive. The second choice of the Conservation Commission is near the Dudley Chateau Club at Dudley Road and Bayfield Road. (Please see maps on following pages). The Conservation Commission will present their choice at Town Meeting.

The cost of construction of the launch will not exceed $10,000. It is possible that the State will reimburse up to 50% of the construction cost.

At this writing, there are many unknowns: where the launch would be established; how the use of the site would be supervised, regulated and policed and by whom; and what the motorboat situation will be. Therefore, the Finance Committee is not willing to make a recommendation for or against the Article at this time. However, the Town is urged to consider foremost the issue of public access to Dudley Pond. If this is desirable, then it is worth attempting to resolve the accompanying issues of site, control, and motorboats in time to rescue the $67,000 reimbursement from the State.

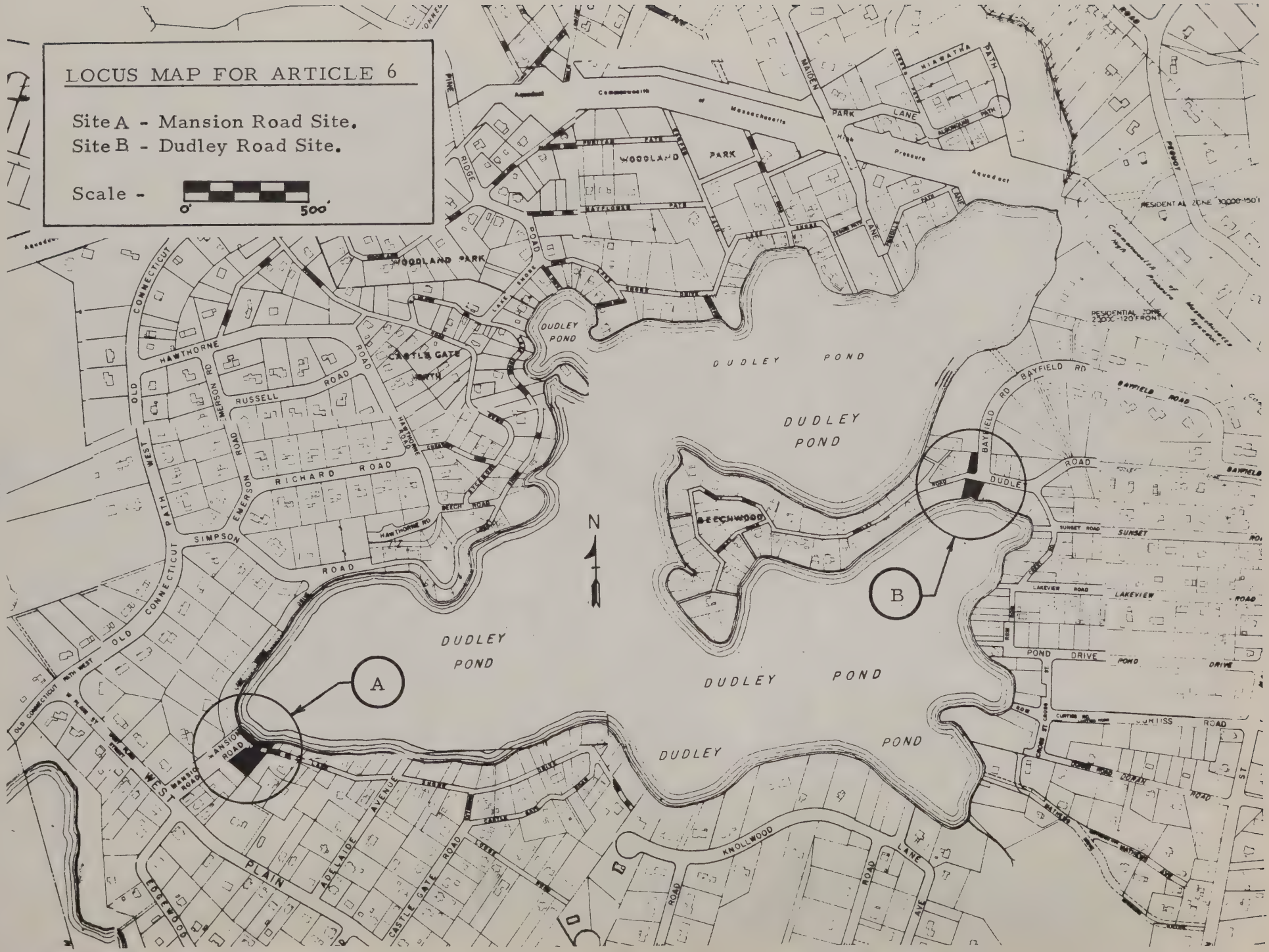
ARGUMENTS OPPOSED: Residents are concerned that there will not be enough parking for those wishing to use the facility. They also feel that both the facility and the Pond will not be properly supervised and patrolled. Abutters to the Pond assert that the Pond is over-used now and that this access will increase the usage even more.

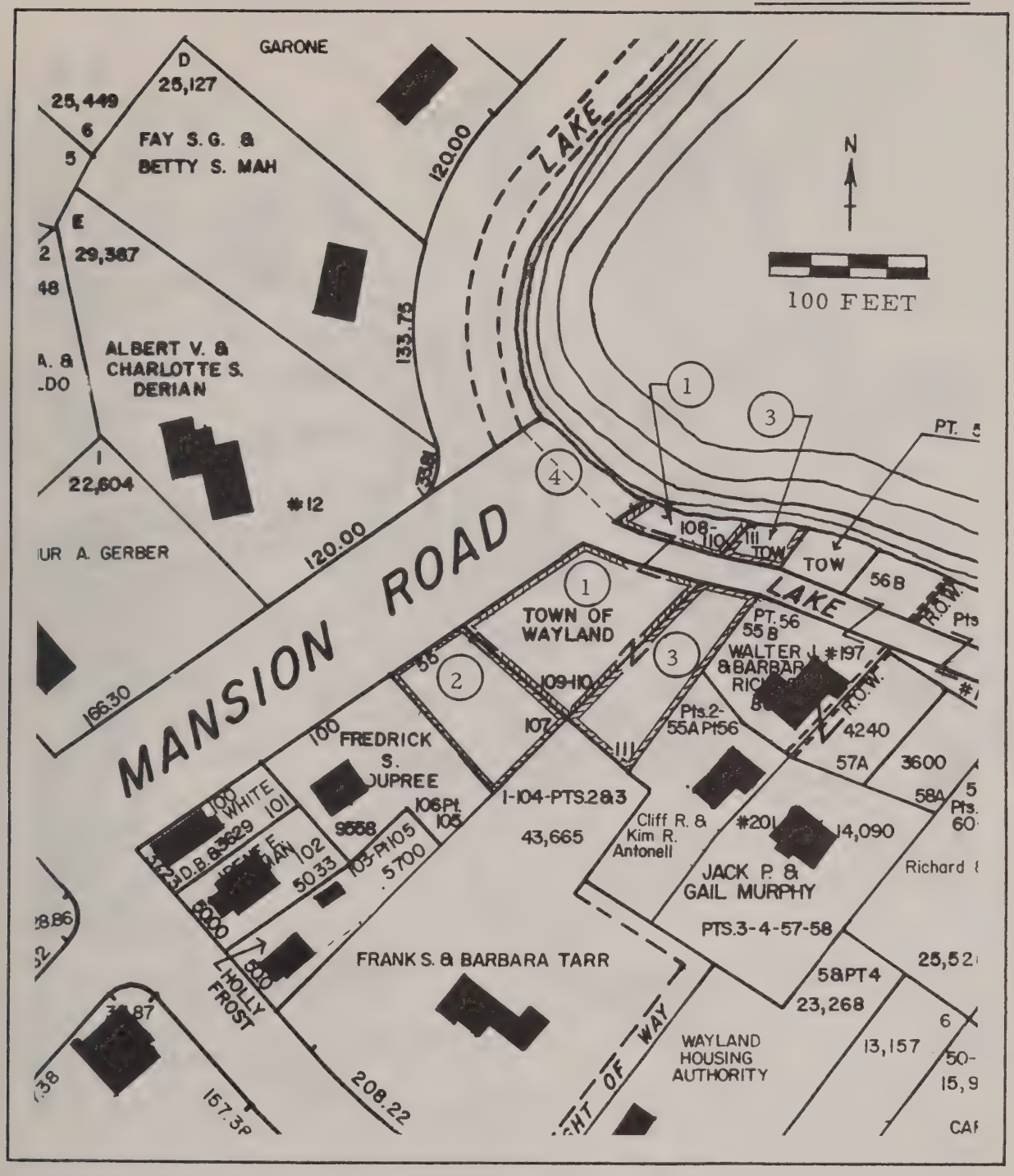
ARGUMENTS IN FAVOR: The Conservation Commission expects that adoption of this Article will assist the release of about $67,000 of State money for the Town.

The establishment of a designated public-access point to Dudley Pond with a parking lot for a limited number of cars should reduce the occurrences of unauthorized or inappropriate access which have caused problems for the abutters in the past, and will facilitate recreational use of the Pond by the rest of the Town. In addition, the motorboat ban required by the Conservation Commission before it will proceed with the Article will significantly reduce the environmental damage to the Pond.

RECOMMENDATION: The Finance Committee has no recommendation for the Article at this time.

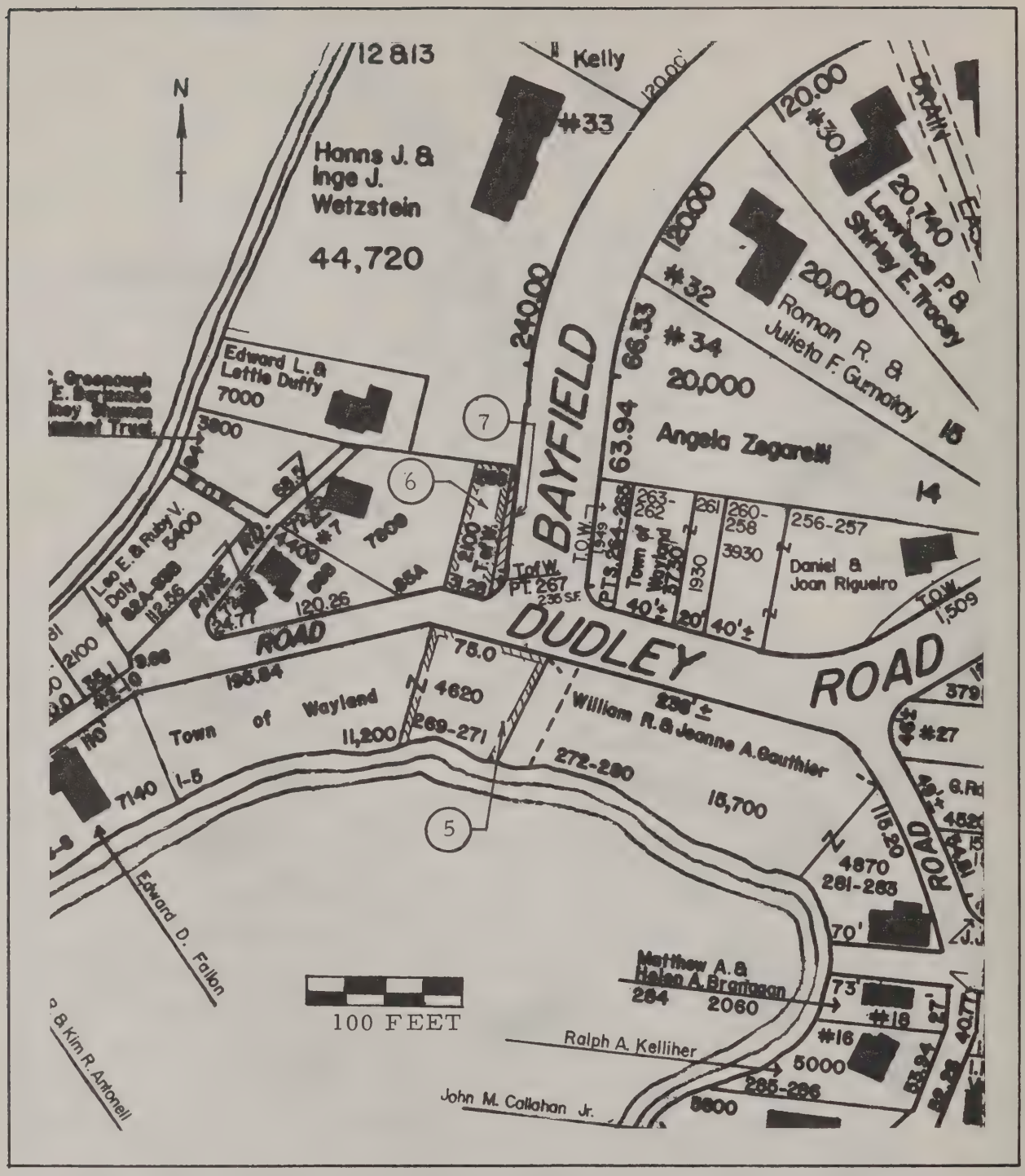
QUANTUM OF VOTE: The appropriation of monies under this Article will require a majority vote (see Mass. G.L. Ch. 40, Sec. 5, Ch. 44, Sec. 33B), but other proposed actions may call for a two-thirds vote. For example, depending on the final location of the proposed site and its title history, a transfer of custody or control from one Town board to another under Mass. G.L. Ch. 40, Sec. 15A may be involved requiring a two-thirds vote.


LOCUS MAP FOR ARTICLE 6
Site A - Mansion Road Site.
Site B - Dudley Road Site.
Scale -
0'
500'
DUDLEY POND
DUDLEY POND
DUDLEY POND
DUDLEY POND
DUDLEY POND
DUDLEY POND
WOODLAND PARK
WOODLAND PARK
CASTLE GATE NORTH
BEECHWOOD
MANSION ROAD
MANSION ROAD
A
B
N
OLD CONNECTICUT PATH WEST
OLD CONNECTICUT PATH WEST
HAWTHORNE ROAD
RUSSELL ROAD
RICHARD ROAD
SIMPSON ROAD
EMERSON ROAD
HAWTHORNE RD
BEECH ROAD
PINE RIDGE ROAD
MAIDEN LANE
PARK LANE
HIAWATHA PATH
ALGONQUIN PATH
PURITAN PATH
MAYFLOWER PATH
LAKE SHORE
BAYFIELD RD
BAYFIELD ROAD
DUDLEY ROAD
SUNSET ROAD
LAKEVIEW ROAD
POND DRIVE
CURTISS ROAD
DORAN ROAD
KNOLLWOOD ROAD
LANE AVE
ADELAIDE AVENUE
CASTLE GATE ROAD
EDGEWOOD
PLAIN
WEST
Aqueduct
Commonwealth of Massachusetts High Pressure Aqueduct
RESIDENTIAL ZONE 30,000-150'
RESIDENTIAL ZONE 20,000-120' FRONT
PEQUOT



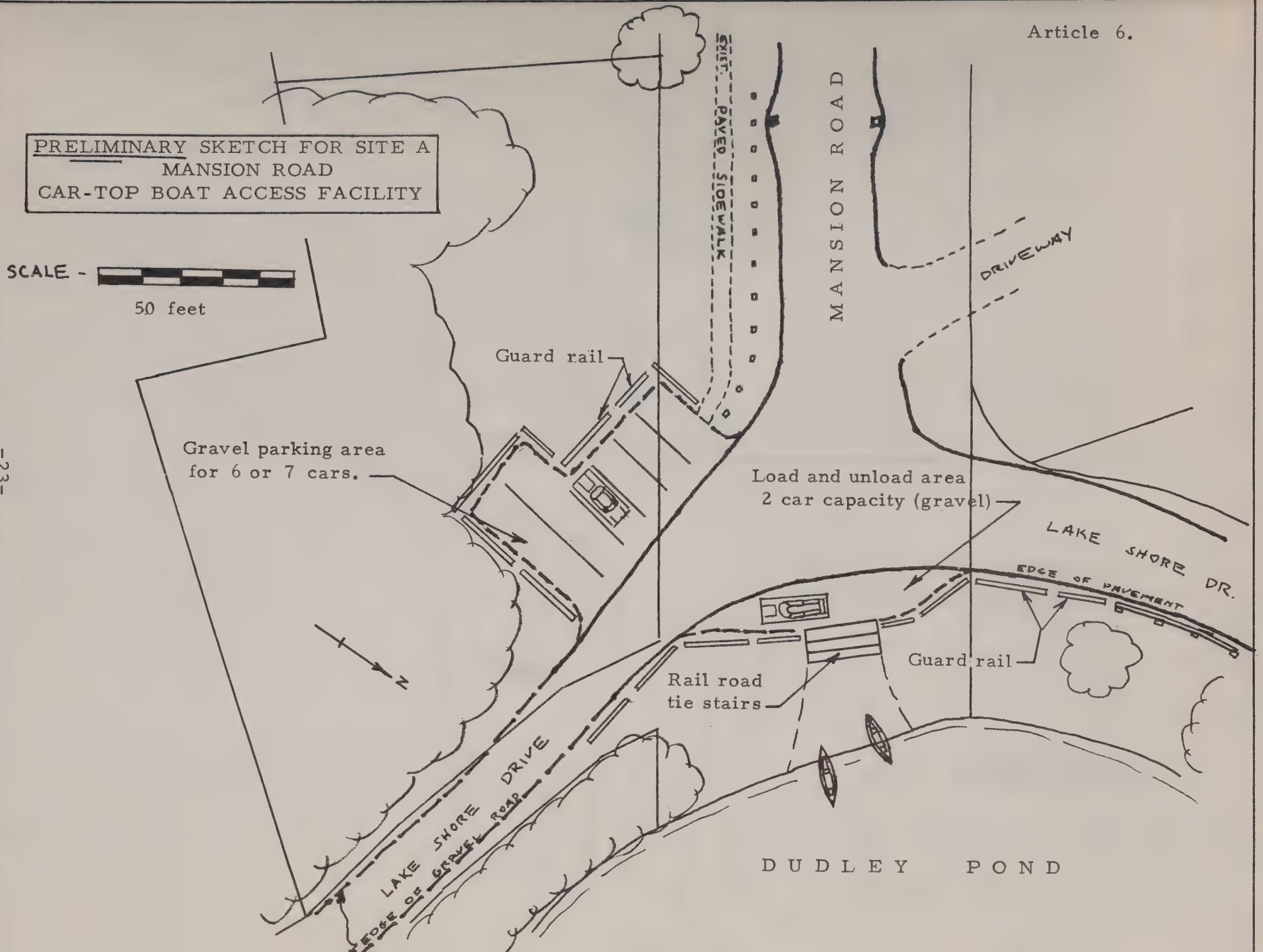
CAR-TOP BOAT ACCESS SITE A
MANSION ROAD SITE
PARCELS OF TOWN LAND DESCRIBED
IN ARTICLE

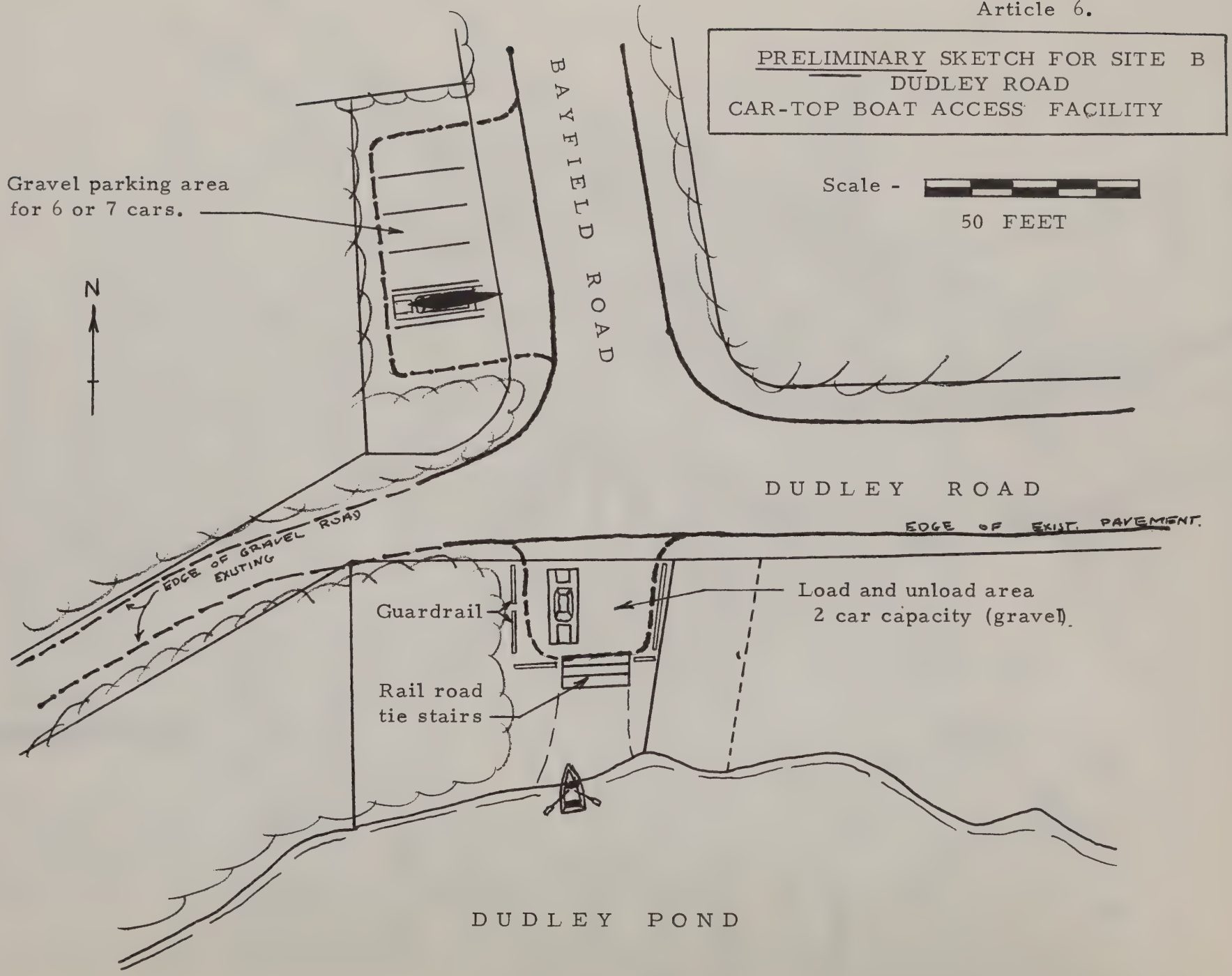
PARCEL - 1. Lots 109 - 110
2. Lot 107
3. Lot 111
4. Within Mansion Road Layout.



CAR-TOP BOAT ACCESS SITE B
DUDLEY ROAD SITE
PARCELS OF TOWN LAND DESCRIBED
IN ARTICLE

PARCEL - 5. Lots 269 - 271
6. Lot 268
7. Lot 267 (part of)


PRELIMINARY SKETCH FOR SITE A
MANSION ROAD
CAR-TOP BOAT ACCESS FACILITY
SCALE -
50 feet
EXIST. PAVED SIDEWALK
MANSION ROAD
DRIVEWAY
Guard rail
Gravel parking area
for 6 or 7 cars.
Load and unload area
2 car capacity (gravel)
LAKE SHORE DR.
EDGE OF PAVEMENT
Guard rail
Rail road
tie stairs
N
LAKE SHORE DRIVE
EDGE OF GRAVEL ROAD
DUDLEY POND


PRELIMINARY SKETCH FOR SITE B
DUDLEY ROAD
CAR-TOP BOAT ACCESS FACILITY
Scale -
50 FEET
Gravel parking area for 6 or 7 cars.
N
BAYFIELD ROAD
DUDLEY ROAD
EDGE OF EXIST. PAVEMENT
EDGE OF GRAVEL ROAD EXITING
Guardrail
Load and unload area 2 car capacity (gravel)
Rail road tie stairs
DUDLEY POND

ARTICLE 7. PLANNING AND DESIGN OF LANDFILL LINER

Proposed By: Road Commissioners

Estimated Cost: $20,000

Article 7. To see if the Town will appropriate a sum of money to be expended by the Road Commissioners for the planning and design of a liner and leachate-collection system to be used in connection with the anticipated expansion into a new section of the Town's existing sanitary landfill; to determine whether such monies shall be provided by appropriation from available funds, by tranfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or Federal government, by borrowing under the provisions of the General Laws, or otherwise; or take any action relative thereto.

COMMENTS: This Article appropriates $20,000 to design an appropriate liner for the next section of the landfill. The landfill will reach its current authorized capacity within the next six months. The Department of Environmental Quality Engineering (DEQE) of the Commonwealth of Massachusetts has notified the Town that expansion of the landfill will require the installation of an impervious liner at the base of the proposed expansion area to collect the leachate. The development of design plans and specifications within the next few months is required to allow construction of the expansion site, thus preventing the closing of the landfill which would necessitate other, perhaps more costly, means of disposal.

The operation of a landfill for waste disposal that includes some toxic waste represents an issue of substantial importance to the Town. It appears that the regulations controlling this activity will become more stringent and most costly in the future.

Construction costs for the liner are estimated to be in the range from $100,000 to $125,000. It is anticipated that an article appropriating the funds for construction of the expansion site for the landfill will be presented at the Annual Town Meeting. The ideal process for an expenditure of this magnitude would place the decision for the continuation of the landfill first and the funding for the design second. Unfortunately, a delay of almost one year by the DEQE in responding to our request for a permit has preempted this option. The costs, implications and the identification of other alternatives have yet to be accomplished, thus preventing a reasoned discussion of the issues. The Finance Committee anticipates that the appropriate investigation and discussion of the alternatives to the landfill will occur at the Annual Town Meeting when the article to construct the liner is presented.

ARGUMENTS OPPOSED: If the Town decides to terminate use of the landfill, this money will be wasted.

ARGUMENTS IN FAVOR: Without the expenditure of these funds, the option of using the landfill even as a temporary alternative will be eliminated regardless of its merit. The approval of this Article gives the Town the time needed to fully examine all of the issues before making its final decision on the landfill.

RECOMMENDATION: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Majority - see Mass. G.L. Ch. 40, Sec. 5, Ch. 44, Sec. 33B

ARTICLE 8. FURTHER DESIGN OF PLAIN AND STONEBRIDGE ROADS

Proposed By: Road Construction Committee

Estimated Cost: $75,000

Article 8. To see if the Town will appropriate a sum of money for the further planning, engineering and design of the proposed reconstruction and improvement, including proposed construction of appurtenant walkways, of the following roads: Plain Road from Boston Post Road to Millbrook Road, Millbrook Road from Plain Road to Glen Road, Claypit Hill Road from Plain Road to a point approximately 500' northeast of the southernmost intersection with the road leading to Claypit Hill School, and Stonebridge Road from Anthony Road to Potter Road; to determine whether such money shall be provided for by appropriation from available funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or Federal government, by borrowing under the authority of the General Laws, or otherwise; and to determine what Town board, committee or officer or combination of them shall be authorized to expend the money appropriated therefor and under what conditions; or take any action relative thereto.

COMMENTS: The expenditure under this Article represents the next step in the process begun at the 1983 Annual Town Meeting regarding the reconstruction of parts of Plain and Stonebridge Roads. At that Meeting, an Article to appropriate funds for both the planning and reconstruction was amended to provide funds for only the development of initial plans, because of complaints that the neighborhood concerns had been ignored. These concerns included the possibility of takings, alteration of the rural scenic character of the roads, increased speed and safety issues. The amended Article allowed appropriate time for neighborhood input and review of the plans.

Of the $50,000 appropriated under the article, $10,000 was used to survey the reconstruction sites, and $20,000 was spent to develop the initial plans. The balance will be expended for borings and groundwater studies for the roads. The plans produced in this first stage show the Town's right of way, plot the roads as they currently exist and propose a design for the reconstruction. The initial plans gave each neighborhood a substantive outline of the proposed reconstruction to allow residents to assess the impact on their property. Only when the plans are presented in this fashion can a meaningful dialogue between the planners and interested parties be established. It is precisely the lack of this process that caused the original article to fail at the 1983 Town Meeting. Meetings have been held with the neighborhoods to fully explore their concerns. The plans must now be modified to reflect their inputs. Once modified, the plans face a final review by all interested parties to ensure that all issues have been appropriately addressed.

The concerns of the neighborhoods will be incorporated into the plans, and there are indications that support from the abutters can be expected when this is accomplished.

The additional cost to complete the final designs including plans, specifications and bid documents is approximately $75,000. This work would be accomplished in three stages of 50%, 75% and 100% completion.

The proposed Article would allow the staged development of completed plans with the proviso that no funds would be expended beyond the 50% stage unless there is neighborhood support for plans at that stage.

ARGUMENTS OPPOSED: The expenditure would be wasted if the plans do not adequately meet the neighborhood concerns; if Town Meeting does not approve the funds for construction of the roads; or if an override required to fund the reconstruction does not pass.

ARGUMENTS IN FAVOR: The Town has indicated a serious concern about the condition of the roads in Town through its support of the Road Policy and Road Construction Committees. These roads have been identified as major problems and are at the top of the priority list for repair. This funding will equip the Town with the information needed to make a decision.

RECOMMENDATION: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Majority - see Mass. G.L. Ch. 40, Sec. 5, Ch. 44, Sec. 33B

ARTICLE 9. PLANNING FOR LIBRARY EXPANSION

Proposed By: Trustees of the Public Library

Estimated Cost: $25,000

Article 9. To see if the Town will appropriate a sum of money to be expended by the Trustees of the Public Library for architectural plans and related costs of planning and designing a proposed renovation and expansion of the main library building; and to determine whether such money shall be provided by transfer of funds from the Special Revenue Fund account known as "State Aid to Libraries," or by other appropriation from available funds or transfer of funds already appropriated for another purpose; or take any action relative thereto.

COMMENTS: This Article was submitted by the Library Trustees to see if the Town will vote to develop plans for the construction of a library addition.

The second-oldest publicly-supported library in the country occupies a physical plant which, by any comparative measure, is too small for the Town and population served. The basic structure is 84 years old and requires continuous refurbishing; the heating plant is nearly 40 years old and fails on a regular and costly basis. Space for books, staff and patrons is at a premium: a book must be discarded for every new book purchased. Eighty percent of the books in the main collection are newer than 1968, and older books of useful content become increasingly unavailable.

Pursuant to the work of a Library Building and Planning Committee, since discharged, an article and plan for library expansion was presented at the 1974 Annual Town Meeting. The expansion was to have cost an estimated $430,000 and was defeated; full working drawings were therefore never developed. Since that time, a smaller Federal grant was obtained to install an elevator and improve access for the physically handicapped.

At this time, the Library Trustees have accumulated approximately $26,500 in a special State Aid to Libraries trust fund. This fund may be used for materials, including books, or for building improvements and repairs; it may not be used for salaries. From time to time, Federal and State grant monies become available for suitable capital improvements. These grants can be applied for only if the applicant has a complete set of working drawings ("bid package") for the proposed project, but has not yet commenced construction.

In this Article, the Library Trustees are asking the Town to approve a transfer of funds from the State Aid to Libraries trust fund, in an amount not to exceed $25,000, for the purpose of planning the renovation and expansion of the present physical plant.

It is intended that these funds will provide for plans and drawings, models and test borings, leading to the development of a completed bid package. Given the bid package, the Trustees intend to seek out sources of funding, including grant monies and private contributions, to support the actual renovation and expansion. Public funds will likely be requested, but not before the 1985 Annual Town Meeting.

ARGUMENTS OPPOSED: The money in this fund could be used instead to purchase materials and books, or even to fund medium-level repairs, should budget cuts become necessary. Furthermore, if outside revenue sources vanish and the Town elects not to support a renovation/expansion project, then some of the money expended to develop plans would be wasted.

ARGUMENTS IN FAVOR: For a long time, there has been a good deal of expectation and support in the community for a library addition. This appropriation would allow the Town to accurately estimate the cost of an addition and apply for grant money to help pay for it. The planning money can only be used for specific library purposes, and the Library Trustees can see no better way to spend it at this time.

RECOMMENDATION: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Majority - see Mass. G.L. Ch. 40, Sec. 5, Ch. 44, Sec. 33B

ARTICLE 10. LIBRARY AUTOMATION

Proposed By: Trustees of the Public Library

Estimated Cost: $20,845

Article 10. To see if the Town will appropriate a sum of money to be expended by the Trustees of the Public Library for the purpose of purchasing equipment, supplies and services necessary for the automation of certain library activities; and to determine whether such money shall be provided for by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the provisions of the General Laws; or otherwise; or take any action relative thereto.

COMMENTS: This Article was submitted by the Library Trustees, to see if the Town will vote funds so it can join a regional automated library network.

Library automation provides an effective, economical way for libraries to pool their resources, using computer systems to provide rapid and interactive filing, sorting, searching and accounting functions.

The investigation of automated alternatives commenced in 1982, and in the Spring of 1983 the libraries in fourteen local towns jointly applied for and received a Federal grant of $440,000 under the Library Services and Construction Act (LSCA), to create the Minuteman Library Network.

The Network will consist of a central computer in Framingham, connected to terminals in each of the member libraries. Libraries will be able to search the collections of the other libraries in order to find particular books. Books will be checked in and out using a bar code reader similar to the ones used in supermarkets. Eventually, patrons will be able to use the computer instead of the card catalog to look for material on specific subjects. The Network is to be implemented as a turn-key operation by C.L. Systems, Inc., of Waltham. The vendor already has a track record of some 180 automated library systems nationwide.

The benefits of resource sharing have already been demonstrated by the manually-operated InterLibrary Loan (ILL) system. A significant savings in money and time would be realized with an automated resource sharing system. Participation in such a system would allow the Wayland Library a shared access to some 2,000,000 volumes in the member libraries, or some 36 times the size of Wayland's collection; and this access will expand as other similar regional networks, together with large city libraries such as Boston and Worcester, become operational and can communicate with the Minuteman Network. One of the most attractive features of resource sharing is the ability to access the specialized collections which may exist in a certain

library but not be affordable by the patron's local library. It also permits the member libraries to discard little-used or redundant copies of books without the danger that the last copy of any given volume might be inadvertently and irretrievably lost.

The processing power of the computer is most evident in its ability to execute repetitive, routine tasks rapidly and with extreme accuracy, thereby freeing library staff and allowing an increase in service without additional staff, or the same level of service with a decrease in staff. More efficient accounting practices will result in increased revenues from library fines and fewer losses from misfiled records. Reports from other installations indicate that costs of circulation increases are more than offset by savings through automation.

The projected costs to Wayland consist of one-time equipment and data-conversion expenses, annual support and maintenance costs, and annual fees for membership in the Minuteman Network. The equipment would be purchased over a three-year period for a total cost including conversion of $48,000. The appropriation in this Article would provide two terminals, data line connections to Framingham, a part-time clerk to put the Wayland collection on the computer, bar-code labels to be placed on each book, and the initial network membership fee.

It is estimated that due to savings in equipment and clerical time, the library automation project will break even in four years and will have completely paid for itself in eight years.

Note that it will cost more to join the Minuteman Network at a later date. We will not get the 20% to 30% group discounts negotiated for equipment purchases, and we will lose the benefits of group data conversion when we put our collection on-line.

ARGUMENTS OPPOSED: Although this proposal may be economical in the long run, the initial costs are high and the Town may have other priorities for the money. Despite the additional costs, it might be wiser to let the Network break in the system for a few years before we join.

ARGUMENTS IN FAVOR: Patrons will experience a dramatic increase in service and efficiency, at no extra cost (amortized over eight years). Ten of our neighboring towns have already appropriated the money to join the Network. Access to two million books will make our library competitive with the larger city libraries, especially as the shared collection matures.

RECOMMENDATION: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Majority - see Mass. G.L. Ch. 40, Sec. 5, Ch. 44, Sec. 33B

ARTICLE 11. TRANSFER OF FUNDS - WATER DEPARTMENT

Proposed By: Water Commissioners

Estimated Cost: $32,500

Article 11. To see if the Town will appropriate a sum of money to be expended by the Water Commissioners to cover additional costs of operation of the Water Department for the current fiscal year; and to determine whether such money shall be provided by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the authority of the General Laws, or otherwise; or take any action relative thereto.

COMMENTS: This Article was inserted in the Warrant by the Water Department, to see if the Town will appropriate funds needed as a result of replacing a water main on Boston Post Road West. The funds would be transferred from the Water Fund-Unreserved Fund Balance.

The original 6" water main had deteriorated to the point that the flow was too weak for adequate fire protection. The cost of replacing it with a new 8" water main was $65,000. Raytheon, being a substantial beneficiary, has paid half the cost. The remainder was funded out of the Water Department maintenance account.

The work has been completed. However, this expense was not anticipated in the Water Department maintenance budget. The purpose of this transfer is to restore the maintenance account to a level adequate for the balance of the fiscal year. There is no effect on the tax rate, since the funds derive from Water Department revenue.

ARGUMENTS OPPOSED: The existing maintenance account could be required to absorb this expense, and any resulting shortfall dealt with at the Annual Town Meeting.

ARGUMENTS IN FAVOR: The Water Department is being responsible in bringing this extraordinary expense to the Town for action on a timely basis.

RECOMMENDATION: The Finance Committee recommends approval of the Article.

QUANTUM OF VOTE: Majority - see Mass. G.L. Ch. 40, Sec. 5, Ch. 44, Sec. 33B

You are required to serve this Warrant by posting copies thereof, attested by you, at the Town Building, at the public libraries in Cochituate and in Wayland Center, fourteen days at least, before the time of holding said meeting.

Hereof, fail not and make due return of this Warrant with your doings thereon to the Town Clerk on or before November 21, 1983.

Given under our hands and seal this eighth day of November in the year one thousand nine hundred and eighty-three.

MARCIA P. CROWLEY
W.H. IRVINE
L. THOMAS LINDEN
LEWIS S. RUSSELL
CATHERINE W. SEILER

Selectmen of the Town of
Wayland

KAREN E. BROTHERS
ROBERT S. SWAIN, JR.
RUSSELL A. ASHTON
JAMES F. BARRETT
PETER GOODWIN
WALTER F. POPE
SHEILA BOES

Finance Committee

APPENDIX A

RECODIFICATION

OF THE

ZONING BY-LAWS

OF THE

TOWN OF WAYLAND

(See Article 4 of the Warrant
for the Special Town Meeting
on December 5, 1983)

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PURPOSE.

The purpose of these by-laws is to promote the health, safety, convenience and welfare of the residents of the Town of Wayland, to conserve the value of buildings, and to encourage the most appropriate use of land throughout the town.

DEFINITIONS.

Words and terms used in these by-laws are hereby defined, and their meaning explained or limited. Certain words and terms which have been capitalized in the text are defined.

Reference is made to Sections providing further explanation.

Definitions particular to the Planned Development District may be found in Section 16.2.

Accessory Dwelling Unit - An additional set of living facilities contained within an owner-occupied single dwelling. Section 3.3.2.

Accessory Use or Accessory Building - A use of land or building customarily incident to, and located on the same lot as, the use or building to which it is accessory. Sections 3.3.7; 3.3.8.

Board of Appeals - See Zoning Board of Appeals.

Building - A combination of materials having a roof and exterior walls, and forming a shelter for persons, animals, or property.

Building Inspector - An individual appointed by the Board of Selectmen with enforcement powers under these by-laws, and duties and powers under the currently applicable state building code.

Building Permit - A permit to construct in accordance with applicable Codes.

Certificate of Occupancy - Certification that building and zoning codes have been met, and that the premises may be used.

Customary Home Occupation - Certain occupations engaged in within an existing dwelling by a resident owner. Sections 3.3.4, 3.3.5, 3.5.4.

Disposal Works Construction Permit - A permit to construct facilities for sewage disposal in accordance with the most recent provisions of the State Sanitary Code. Such a permit is to be obtained from the Board of Health.

Driveway, Access Drive - Space reserved for the movement of vehicles from a lot to a street.

Dwelling - A detached residential building. Section 3.3.1.

Dwelling Unit - Living quarters, with permanent provisions for living, cooking and sanitation.

Farm - Land used for the cultivation of crops or the maintenance of livestock. For Agricultural Use, see Section 3.2.

Frontage - The continuous length of a front boundary line of a lot where it abuts a street.

Height - The vertical distance between the highest point of the roof of a building and the mean grade of the natural ground adjoining the building.

Housekeeping Unit, Single - One or more persons living together and sharing the same kitchen facilities, water and energy services. Section 3.3.1.

Inspector of Buildings - See Building Inspector.

Kennel - A dog kennel shall be a structure or enclosure for a pack or collection of more than three dogs three months old or over, owned or kept by a person on single premises for breeding, boarding, sale or other purposes.

Lot - An area of land described in an application for a permit, with definite boundaries ascertainable by recorded deed or plan.

Lot Area - The area within the boundaries of a lot, including land over which easements have been granted, but not including any part of the street or way upon which it abuts. See Section 4.2.1.

Non-conforming use/structure/lot - A use, structure, or lot which does not conform to the requirements of the district in which it exists.

Open Land - Land not dedicated to building lots or streets. Section 6.3.7.

Site Plan Approval - An authorization issued by the Zoning Board of Appeals. Required for construction, reconstruction, alteration, enlargement or use of buildings in Business, Light Manufacturing, Limited Commercial and Roadside Business districts. Section 14.6.

Special Permit - An authorization issued by the Zoning Board of Appeals, or, in the case of a Conservation Cluster Development, by the Planning Board. Required for certain uses in various Districts. Sections 3.1; 14.5.

Story - That portion of a building above mean grade contained between any floor and the floor or roof next above it.

Street - As used in this by-law, shall mean any public way for vehicular traffic or any private way laid out or used as a public way for such traffic.

Structure - Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something located on the ground. Driveways, parking areas, and fences less than six feet in height are not included.

Town - The term Town shall mean the Town of Wayland, Massachusetts.

Variance - Authorization given to a property owner, by the appropriate Town authority, to develop or use property in a manner which does not conform to the strict terms of the zoning ordinance. Section 14.4.

Way - see Street.

Wet Areas - water areas, and land which: has an elevation of less than 124 feet above mean sea level; or which is submerged during any portion of the year; and all lands within the Watershed Protection District. Section 16.2 (1).

Zoning Board of Appeals - Appointed by the Selectmen with duties and powers under these by-laws and M.G.L. Chapter 40A. Section 14.2.

1.0 ESTABLISHMENT OF DISTRICTS

1.1 Division of Town into Use Districts. The Town of Wayland is divided into the following zoning districts:

(a) Single Residence

(b) Roadside Business

(c) Business A

(d) Business B

(e) Light Manufacturing

(f) Limited Commercial

(g) Planned Development

(h) Refuse Disposal

1.2 Division of Residence District into Residence Zones. The single residence zoning district is divided into the following zones:

(a) Residence Zone 20,000 sq. ft. area, 120 ft. frontage;

(b) Residence Zone 30,000 sq. ft. area, 150 ft. frontage;

(c) Residence Zone 40,000 sq. ft. area, 180 ft. frontage;

(d) Residence Zone 60,000 sq. ft. area, 210 ft. frontage.

1.3 Flood Plain, Watershed Protection, and Flood Protection Districts.* The following districts overlie the use districts established in Section 1.1 hereof:

(a) Flood Plain District. See Section 13.2.

(b) Watershed Protection District. See Section 13.3.

(c) Federal Flood Protection District. See Section 13.4.

* Attention is directed to the fact that state and federal laws relating to wetlands and conservation are also applicable in all districts. See, e.g., M.G.L. Chapter 131, Section 40 (Wetlands) and 42 United States Code Secs. 4001-4128 (Flood Insurance).

1.4 Location and Boundaries of Districts and Zones. The location and boundaries of the zoning and overlay districts are as follows. The descriptions, plans and maps referred to below are on file with the Town Clerk and shall be part of these Zoning By-laws.

(a) The zoning districts are defined and described in numerous votes of the Town beginning with the adoption of this by-law under Article 5 of the September 5, 1934 Special Town Meeting and as amended from time to time thereafter. The zoning districts are shown on a plan entitled "Zoning Plan of the Town of Wayland, Massachusetts, Everett M. Brooks Co., Civil Engineers - Newtonville and Wayland Massachusetts, January 1, 1971" as the same may be amended.*

(b) The Flood Plain District includes all land and water in the Town of Wayland subject to seasonal or periodic flooding by the Sudbury River, except for temporary excavations, whose surface lies below elevation 124 feet above mean sea level, as such elevation is shown by the notation '___"_____"___ 124 ___"_____"___Flood Plain' in the Atlas of the Town of Wayland, Massachusetts Prepared and Corrected to January 1, 1972 by Everett M. Brooks Company Corrected to January 1, 1975 by Wayland Engineering Department.

(c) The Watershed Protection District is shown, defined, and bounded on a map on file with the Town Clerk entitled "Wayland Watershed Protection District December 15, 1966 MacCarthy Engineering Service Inc. Natick, Mass., Westborough, Mass."

(d) The Federal Flood Protection District is defined as the 100-year Flood Plain Zones A, A1-A30, which is shown, defined, and bounded on maps published by the Federal Emergency Management Agency, on file with the Town Clerk, and entitled "Flood Insurance Rate Map" (FLOODWAY) Town of Wayland, Massachusetts, Middlesex County dated June 1, 1982.

* A compilation of all such votes through 1979 is set forth in a pamphlet entitled "Description of Zoning Plan" available through the office of the Town Clerk.

2.0 EXISTING AND TEMPORARY NON-CONFORMING STRUCTURES AND USES

2.1. Existing non-conforming structures and uses. Any structure or use lawfully in existence or lawfully begun, or for which a Building or Special Permit was issued, before the first publication of notice of public hearing on any provision of these by-laws and any amendment thereto required by M.G.L. Chapter 40 A, Section 5, may be continued or completed although such structure or use does not conform to said provision or amendment. However, unless the use or construction is commenced within a period of not more than six months after the issuance of the permit; and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable, construction or operations under a Building or Special Permit shall conform to any subsequent provision of these by-laws or any amendment thereto.

2.1.1. Alteration or extension - Pre-existing non-conforming structures or uses may be changed, extended or altered under a Special Permit, provided that no such change, extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration will not be substantially more detrimental to the neighborhood than the existing non-conforming structure or use.

A structure for one or two housekeeping units may be the subject of alteration, reconstruction, extension or structural change without the necessity of a Special Permit, provided that such alteration, reconstruction, extension or structural change does not increase the non-conforming nature of such structure.

2.1.2. Rebuilding after damage or destruction - If a non-conforming structure is damaged or destroyed, any rebuilding or restoration may take place as of right so long as the rebuilding or restoration conforms precisely in size, configuration and extent of use to that which existed prior to the damage or destruction.

The Board of Appeals may, but shall not be obligated to, issue a Special Permit for any change in size, configuration and extent of use of a damaged or destroyed non-conforming structure, provided that the Board shall find that such change will not be substantially more detrimental to the neighborhood than the existing non-conforming use. Any permitted restoration or rebuilding shall commence within six months after the issuance of the Special Permit therefor

and shall continue through to completion as continuously and expeditiously as is reasonable, or such permission shall lapse. Unless otherwise authorized by the Board of Appeals, the new or restored structure shall have the same height and location on the lot as the replaced structure.

2.1.3. Abandonment - Wherever a lawful non-conforming use has not been used for twenty-four consecutive months or more, it shall not be resumed or reestablished and all future uses shall conform to these By-Laws.

2.2. Non-conforming Lots Described in Deeds or Shown on Plans Recorded Prior to Adoption or Amendment of By-Laws. The following provisions are applicable to Lots described in deeds or shown on plans recorded prior to adoption of these by-laws in 1934 or prior to changes in area and frontage requirements in 1951 and 1953; subject to the provisions of M.G.L. Chapter 40 A, Section 6, regarding non-conforming lots held in common ownership.

2.2.1. If a Lot is shown on a plan or described in a deed recorded at the Registry of Deeds at the time these by-laws were adopted (September 5, 1934), then such Lot shall be considered to meet the requirements of these by-laws. In that connection the Board of Appeals may adapt the requirements of these by-laws to irregular, narrow or shallow Lots or those unusual in shape or topography, provided that the spirit and intent of these by-laws with regard to open space is preserved.

2.2.2. If a Lot is shown on a plan or described in a deed recorded at the Registry of Deeds on or before the effective date of an amendment to these by-laws increasing the area or frontage requirements enacted at the special town meeting called for June 20, 1951, and if such Lot conformed to the requirements of these by-laws before such amendment, such Lot shall be considered to meet the requirements of such amendment.

2.2.3. If a Lot conformed to the requirements of these by-laws before the adoption of an amendment to these by-laws changing the area or frontage requirements enacted under the warrant for the special town meeting called for November 30, 1953, but did not conform to the requirements as amended, and if such Lot meets either of the following two conditions:

(a) It is shown on a plan, or described in a deed, recorded at the Registry of Deeds on or before October 9, 1953; or

(b) It is shown on a plan of a subdivision which was submitted to the Planning Board for approval on or before November 2, 1953, and which was approved by the Planning Board and recorded in the Registry of Deeds not later than December 20, 1953;

such Lot shall be considered to meet the area and frontage requirements as amended.

2.3 Temporary Non-conforming Use. The Board of Appeals may grant, in accordance with Section 14.5, temporary and conditional Special Permits of limited duration for non-conforming uses and buildings incidental to development operations.

SECTION 3.0 PERMITTED USE REGULATIONS

SECTION 3.1 - TABLE OF PERMITTED USES

NOTE The explanatory paragraphs following this table are part of this table and set forth additional requirements.

		USE DISTRICTS						
		Single Residence	Roadside Business	Business A	Business B	Light Mfg.	Limited Comm.	Explanatory Paragraph
	Guide To The Table Of Permitted Uses							3.1.1
3.2	Agricultural Uses							
	Agriculture	Y	Y	Y	Y	Y	Y	3.2.1
	Farms, Farm Animals, Nursery, Private Pleasure Animals, Truck Gardens							
	Greenhouses	Y	Y	Y	Y	Y	Y	3.2.2
3.3	Residential Uses							
	Single Dwelling	Y	SP	N	N	N	N	3.3.1
	Accessory Dwelling	SP	SP	N	N	N	N	3.3.2
	Conversion To Two Housekeeping Units	SP	SP	N	N	N	N	3.3.3
	Customary Home Occupations-such as:	SP	SP/SPA	SPA	SPA	SPA	SPA	3.3.4
	Dressmaking, Millinery, Sale Of Antiques							
	Letting Of Rooms	SP	SP/SPA	SPA	SPA	SPA	SPA	3.3.5
	Use Of Accessory Buildings By:	SP	SP/SPA	SPA	SPA	SPA	SPA	3.3.6
	Builder, carpenter, machinist, mason, painter, plumber, roofer, tinsmith, upholsterer							
	Accessory Bldg. Garage, Private Stable Employee's Residence	Y	SP	N	N	N	N	3.3.7
	Accessory Use	Y	SP	N	N	N	N	3.3.8
	Private Garage-More Than 3 Cars	SP	SP	N	N	N	N	3.3.9
	Housing For Elderly	TMV	TMV/SP	N	N	N	N	3.3.10
	Subsidized Multi-Unit Housing	TMV	TMV/SP	N	N	N	N	3.3.11
	Conservation Cluster Development	SP	SP	N	N	N	N	3.3.12
	Planned Residential Development	SP	SP	N	N	N	N	3.3.13
3.4	Government Institutional Utility Uses							
	Educational Land Use	Y	Y	Y	Y	Y	Y	3.4.1
	Religious Land Use	Y	Y	Y	Y	Y	Y	3.4.2

NOTE The explanatory paragraphs following this table are part of this table and set forth additional requirements.

		USE DISTRICTS						
		Single Residence	Roadside Business	Business A	Business B	Light Mfg.	Limited Comm.	Explanatory Paragraph
3.4	Gov. Instit. Utility Uses, cont.							
	Public Facilities	Y	Y	Y	Y	Y	Y	3.4.3
	Art Museums, Churches, Fire Stations, Parish Houses, Parks, Public Libraries, Schools, Soldier and Sailor Memorials, Sunday School Buildings, Water Supply Reservations							
	Municipal Buildings	N	N	SPA	SPA	SPA	SPA	3.4.4
	Hospitals	SP	SP/SPA	N	N	SP/SPA	SP/SPA	3.4.5
	Nursing Homes							
	Public Or Charitable Inst. Bldg.	SP	SP/SPA	N	N	SP	SP	3.4.6
	Lodges And Social Clubs	SP	SP/SPA	N	N	SP/SPA	SP/SPA	3.4.7
	Membership Clubs, Social and Recreational							
	Railroad Uses	Y	SP/SPA	SPA	SPA	SPA	SPA	3.4.8
	Passenger Stations							
	Passenger Bus Terminals	N	N	SPA	SPA	SPA	N	3.4.9
	Telephone Buildings	Y	SP/SPA	SPA	SPA	SPA	SPA	3.4.10
	Refuse Disposal District							3.4.11
	Cemeteries, Crematories	Y	SP/SPA	Y	Y	SPA	SPA	3.4.12
3.5	Business Uses							
	Resident's Business Office	SP	SP/SPA	SPA	SPA	SPA	SP/SPA	3.5.1
	Accountant, Dentist, Doctor, Engineer, Insurance Agent, Musician, Real Estate Agent, Recognized Professional, Teacher							
	Business Office-General	N	N	SPA	SPA	SPA	SP/SPA	3.5.2
	Architects, Banks, Dental Clinics, Dentists, Doctors, Insurance and General Business Offices, Lawyers, Medical Clinics, Real Estate, Recognized Professionals, Telephone Offices							
	Other Office	N	N	*	*	*	SP/SPA	3.5.3
	Customary Home Occupations-such as:	SP	SP/SPA	SPA	SPA	SPA	N	3.5.4
	Dressmaking, Millinery, Sale of Antiques							

SECTION 3.1 cont.

NOTE The explanatory paragraphs following this table are part of this table and set forth additional requirements.

	USE DISTRICTS						
	Single Residence	Roadside Business	Business A	Business B	Light Mfg.	Limited Comm.	Explanatory Paragraph
3.5 Business Uses, cont.							
Resident Trades	SP	SP/SPA	SPA	SPA	SPA	N	3.5.5
Builder, Carpenter, Machinist, Mason, Painter, Plumber, Roofer, Tinsmith, Upholsterer							
Shops Of Builders, Etc.							
Electrician, Painter, Paperhanger Plumber, Upholsterer	N	N	SPA	N	SPA	N	3.5.6
Carpenter, Cabinet Maker, Printer, Sign Painter	N	N	SP/SPA	N	SP/SPA	N	3.5.6
Livery	SP	SP/SPA	*	*	*	SP/SPA	3.5.7
Boat Livery, Canoe Livery, Stables Having Horses For Hire							
Owner's Roadside Stand	SP	SP/SPA	*	*	*	SP/SPA	3.5.8
Other Roadside Stand	N	SP/SPA	*	*	*	N	3.5.9
Retail Store	N	N	SPA	SPA	SPA	N	3.5.10
Appliances, Baking, Bakery, Clothing and Accessories, Drugs, Dry Goods, Food Items, Furnishing and Supplies, Furniture, Handicraft, Hardware, Household Items, Photographic Supplies, Printed Matter, Stationery, Variety Merchandise							
Service Establishment	N	N	SPA	SPA	SPA	N	3.5.11
Appliance Repair, Barber, Beauty Shop, Bicycle Repair, Dry Cleaning, Laundry Agency, Laundry Self-service, Pressing, Shoe and Hat Repair, Tailor							
Restaurant	N	SP/SPA	SPA	SPA	SPA	N	3.5.12
Automobile Sales, Service and Repairs	N	N	SP/SPA	N	SP/SPA	N	3.5.13
Gasoline Service Station	N	N	SP/SPA	N	SP/SPA	N	3.5.14
Lumber, Fuel, Feed and Ice Contractor's Yard	N	N	N	N	SP/SPA	N	3.5.15
Other Similar Use	N	N	SP/SPA	SP/SPA	N	N	3.5.16

NOTE The explanatory paragraphs following this table are part of this table and set forth additional requirements.

	USE DISTRICTS						
	Single Residence	Roadside Business	Business A	Business B	Light Mfg.	Limited Comm.	Explanatory Paragraph
3.6 Industrial Uses							
Light Manufacturing	N	N	N	N	SP/SPA	SP/SPA	3.6.1
Research Laboratories	N	N	N	N	N	SP/SPA	3.6.2
Warehouses and Distribution	N	N	N	N	N	SP/SPA	3.6.3

Y = Allowable, as of right

SP = Permitted if a Special Permit is issued in accordance with the provisions of Sections 14.5

SPA = Permitted; Site Plan Approval required in accordance with the provisions of Section 14.6

TMV = Town Meeting Vote

* = Permitted if found by the Board Of Appeals to be a use which is clearly similar to other uses permitted in the district. Site Plan Approval required.

N = Not permitted.

3.1 Table of Permitted Uses (Continued).

EXPLANATORY PARAGRAPHS

3.1.1. Conditions for Permitted Uses -

No land, building, or structure shall be used and no building or other structure shall be erected, constructed, reconstructed or modified in any district in the Town, except for use as permitted in Section 3.1, "Table of Permitted Uses".

Uses denoted by "SP" in the Table are permitted only if a Special Permit is issued in accordance with Section 14.5.

Uses denoted by "SPA" in the Table require that a Site Plan Approval be obtained in accordance with Section 14.6.

Further requirements or restrictions may appear in the Sections of the by-law dealing with particular districts.

Uses of land and buildings in the Flood Plain District, Flood Plain Protection District, or Watershed Protection District (see Section 1.3) are also subject to the special provisions applicable to those districts.*

The terms used in the Table (Section 3.1) are defined and explained in the remainder of this Section 3.

3.2 Agricultural Uses.

3.2.1 Agriculture - The operation of a nursery, farm or truck garden including the keeping of farm or private pleasure animals. The term does not include the sale of products or produce at retail from the premises.

3.2.2 Greenhouses - The operation of greenhouses. The term does not include the sale of plants at retail from the premises.

3.3 Residential Uses

3.3.1 Single Dwelling - A detached building intended and designed to be occupied by a single housekeeping unit. No trailer, trailer coach, or mobile home, whether or not self-propelled and whether or not the wheels thereof may have been removed, shall be construed to be a dwelling.

* Attention is directed to the fact that Wayland has established a Historic District pursuant to M.G.L. Chapter 40C. Attention is also directed to state and federal wetlands and conservation districts. See footnote to Section 2.3

3.3.2 Accessory Dwelling Unit - An additional set of living facilities with permanent provisions for living, cooking and sanitation, contained within an owner-occupied single dwelling. This use is subject to special requirements set forth in Section 5.3 and authorization by Special Permit in accordance with Section 14.5.

3.3.3 Conversion To Two Housekeeping Units - The conversion of a single dwelling existing on September 5, 1934, into a dwelling for two housekeeping units may be authorized. This use is also subject to special requirements set forth in Section 5.4.

3.3.4 Customary Home Occupations - Activities such as dressmaking, millinery, the letting of rooms, the sale of antiques, all conducted by a resident owner only may be authorized by Special Permit. See 3.5.4, 3.5.10 or 3.5.11 for requirements in business or light manufacturing districts.

There shall be no display or advertising visible from outside except for an announcement card or sign of not more than a two square feet area.

No dwelling so used may be reconstructed or enlarged for such purpose unless specific authorization from the Board of Appeals is obtained by a separate Special Permit.

3.3.5 Letting of Rooms - Included as a customary home occupation. See 3.3.4.

3.3.6 Use of an accessory building in connection with his trade by a builder, carpenter, mason, plumber, painter, roofer, tinsmith, upholsterer, or machinist, who lives on the premises. Such use requires a yearly Special Permit in accordance with Section 14.5. No manufacturing or other business requiring substantially continuous employment shall be carried on in an accessory building. See 3.5.5 and 3.5.6 for requirements in business and light manufacturing districts.

3.3.7 Accessory Building - A building customarily incident to and located on the same premises with the building to which it is accessory including garages and private stables.

Accessory buildings may be located only in a back yard.

No accessory building shall be occupied for residence purposes except that the upper floor of a

garage or stable may be occupied by an employee of the owner or tenant of the premises.

3.3.8 Accessory Use - A use of land or building customarily incident to and located on the same premises with the permitted use to which it is accessory. The term accessory use shall not include any activity conducted for gain or any walk or driveway giving access thereto, or any billboard, advertising sign or poster, except for small bulletin boards.

3.3.9 Private Garage (more than 3 cars) - A private garage for more than 3 cars may be authorized by a Special Permit provided that the Special Permit shall include restrictions or a finding that the use will tend to protect and improve the neighborhood.

3.3.10 Elderly Housing - Housing for elderly persons of low income, as such housing is defined by M.G.L. Chapter 121B Sections 1, 38, 39 and 40, including adequate parking areas therefor, constructed by the Wayland Housing Authority. No premises shall be used for such purpose unless the Town shall have authorized such use by a two-thirds vote.

3.3.11 Subsidized Multi-Unit Housing - Subsidized multi-unit housing for persons of low income, as such housing is described in M.G.L. Chapter 121B, including adequate parking areas therefor, constructed by the Wayland Housing Authority. No premises shall be used for such purpose unless the Town shall have authorized such use by a two-thirds vote.

3.3.12 Conservation Cluster Development - A development described in Section 6 of these by-laws. This use is subject to the special requirements set forth in Section 6.

3.3.13 Planned Residential Development - A development described in Section 16 of these by-laws. This use is subject to the special requirements set forth in Section 16.

3.4 Government, Institutional, Public and Utility Uses

3.4.1 Educational Use - Use for any educational purpose which is religious, sectarian, denominational or public. These by-laws do not apply to or limit the use of land for any such purposes.

3.4.2 Religious Use - Use for any church or other religious purpose. These by-laws do not apply to or limit the use of land for any such purposes.

3.4.3 Public Facilities - Schools, public libraries, fire stations, art museums, churches, parish houses, Sunday school buildings, parks, water supply reservations, soldiers' and sailors' memorial buildings.

3.4.4 Municipal Buildings - Buildings owned or leased and occupied by the Town of Wayland or any committee, body or function of the Town which exercises a governmental function.

3.4.5 Hospitals - Sanitariums or hospitals, not for the insane or feeble minded. Nursing homes for the care of the sick or aged.

3.4.6 Other Public or Charitable Institutional Buildings - Public or charitable institutional buildings, not specified in subsection 3.4.3, not of a correctional nature.

3.4.7 Lodges and Social Clubs - The buildings of membership clubs devoted to outdoor sports and social and recreational buildings and premises, except those whose chief activity is customarily carried on as a gainful business.

3.4.8 Railroad Uses - Railroad passenger stations or rights of way including customary accessory services, but not including switching, storage or freight yards, or sidings.

3.4.9 Passenger Bus Terminals.

3.4.10 Telephone Buildings - Buildings used by companies offering telephone services as a regulated utility to customers.

3.4.11 Refuse Disposal Facilities - See Section 10.

3.4.12 Cemeteries - Including any crematory therein. Private cemeteries are not permitted in business districts.

3.5 Business Uses

3.5.1 Resident's Business Office - The office of a doctor, dentist, member of any other recognized profession, teacher, engineer, musician or real estate agent or insurance agent, in each case for use by a person residing on the premises provided there is no display of advertising except for a small professional name plate.

3.5.2 Business Offices (General) - Offices of one or more doctors, dentists, architects, lawyers and other recognized professionals; real estate, insurance and general business offices; and banks, telephone offices, and medical and dental clinics.

3.5.3 Other Offices - Offices generally, including those described in subsection 3.5.2, as well as others.

3.5.4 Customary Home Occupations - See Section 3.3.4 if the use is in a residential district and Section 3.5.10 and 3.5.11 if in a business or light manufacturing district.

3.5.5 Resident Trades - Use of an accessory building in connection with his trade by a builder, carpenter, mason, plumber, painter, roofer, tinsmith, upholsterer, or machinist, who lives on the premises. See Section 3.3.6.

3.5.6 Shops of Builders, etc. - The shop of an electrician, painter, paper hanger, plumber or upholsterer; also, if of a size and nature similar to other business uses permitted in Business District A, the shop of a carpenter, cabinet maker, printer or sign painter may be authorized by Special Permit.

3.5.7 Livery - Boat or canoe livery and stables having horses for hire provided that the Special Permit in accordance with Section 14.5 shall include restrictions or a finding that the use will tend to protect and improve the neighborhood.

3.5.8 Owner's Roadside Stand - A roadside stand operated by or for the owner of the premises where the stand is located for the sale of produce of the land of the owner and other land within the Town. Such use requires yearly Special Permits which shall include restrictions or a finding that the use will tend to protect and improve the neighborhood.

3.5.9. Other Roadside Stand - Farm stand for sale of produce.

3.5.10 Retail Store - A store, showroom or salesroom for the conduct of the following retail business uses: the sale of food items including confectionery, dairy products, fruits, vegetables, groceries and meats; the sale of baked goods and the manufacture of same for sale on premises; the sale of dry goods, variety merchandise and handicraft work; the sale of clothing and clothing accessories; the sale of hardware, household items including appliances,

furniture, furnishings and supplies; the sale of printed matter, drugs, stationery and photographic supplies.

3.5.11 Service Establishment - Barber and beauty shop; laundry agency; self-service laundry; shoe and hat repair; bicycle and household appliance repair; dressmaking; dry cleaning, pressing or tailoring shop in which no work is done on the premises for retail outlets elsewhere.

3.5.12 Restaurant - A restaurant or other place for the serving and consumption of food or beverages inside the building at tables or counters where, in the opinion of the Board of Appeals, a clearly established need of the Town will be served thereby. Such use is subject to the special requirements set forth in Section 8.5.

3.5.13 Automobile Sales, Service and Repairs - Includes automobile service and repair garages as well as automobile sales, service and repair garages. Such use is subject to the special requirements set forth in Section 8.6.

3.5.14 Gasoline Service Station - Service station for the sale of gasoline, lubricants and similar supplies, parts of motor vehicles, the making of minor repairs and adjustments to motor vehicles, other than structural changes or repairs, and providing water and compressed air where, in the opinion of the Board of Appeals, a clearly established need will be served thereby. Such use is subject to the special requirements set forth in Section 8.6.

3.5.15 Lumber, Fuel, Feed and Ice - An establishment that sells lumber, fuel, feed and ice or a contractor's yard.

3.5.16 Other Similar Uses - Additional retail business and service uses determined by the Board of Appeals to be clearly similar to other uses permitted in the same district.

3.6 Industrial Uses

3.6.1 Light Manufacturing - Light Manufacturing, employing electricity or other unobjectionable motive power, utilizing hand labor or unobjectionable machinery or processes, and free from neighborhood-disturbing odors and/or other objectionable features.

3.6.2 Research Laboratories

3.6.3 Warehouse and Distribution - Warehouses and facilities for the distribution of merchandise.

SECTION 4.1 TABLE OF DIMENSIONAL REQUIREMENTS

DISTRICTS		Minimum Lot Area (1) (Sq Feet)	Maximum Lot Coverage (%)	Minimum Frontage (Feet)	Minimum Yard Setbacks (2) Front From Lot Line (Feet)	Front From ℄ of Street (Feet)	Back(3) From Lot Line (Feet)	Side(4) From Lot Line (Feet)	Maximum Height(5) The Lesser Of (Feet)	(Stories)
SINGLE RESIDENCE DISTRICTS		20,000	20	120(14)	30	55	30	15	35	2½
		30,000	20	150(14)	30	55	30	15	35	2½
		40,000	20	180(14)	30	55	30	15	35	2½
		60,000	20	210(14)	30	55	30	15	35	2½
ROADSIDE BUSINESS	Uses Permited In Single Residence Dists.	(6)	20	(6)	60	55	30	15 (13)	35	2½
	Permitted Non-Residential Uses	40,000	20	200(7)	60		30	30 (13)	35	2½
BUSINESS A	Gasoline Stations, Auto Sales And Auto Repair	Requirements Are Set Forth In Section 8.6								
	Retail, Offices, Services, Trades, etc.	(8)	75(9)	None	30	55	15	15	35	
BUSINESS B		None(8)	25	None	60(10)		15(11)	15(11)	35	
LIGHT MANUFACTURING	Gasoline Stations, Auto Sales And Auto Repairs	Requirements Are Set Forth In Section 8.6								
	Listed Permitted Uses	None (8)	75(9)	None	30	55	15	15	40	3
LIMITED COMMERCIAL	Uses Permitted In Single Residence Dist. (12)	(6)	20	(6)	30	55	30	15	35	2½
	Permitted Non-Residential Uses (12)	None(8)	20	None	100		100	100	35	2½
CONSERVATION CLUSTER DEVELOPMENT		Requirements Are Set Forth In Section 6								
REFUSE DISPOSAL		None	None	None	30		30	15	None	None
PLANNED DEVELOPMENT		Requirements Are Set Forth In Section 16								

Footnotes(1) thru(14) appear in section 4.1.2

4.1.1 The Table Of Dimensional Requirements, Section 4.1, sets forth the area, lot coverage, frontage, set back and height requirements of these by-laws for the erection, construction, reconstruction or modification of any building or structure in any district in the Town. The footnotes and requirements of the remainder of this Section 4 shall apply. Additional dimensional requirements located in other Sections of the by-laws apply to placement of signs, sidewalks, driveway openings, curbs and parking and loading facilities.

4.1.2 Footnotes To Table of Dimensional Requirements

(1) Minimum Lot Area shall be calculated in accordance with subsection 4.2.1.

(2) Where subsections 4.2.2, 4.2.3, 4.2.6, 4.2.7 or 4.2.8 define a greater setback or permit a lesser setback, the provisions of those subsections shall prevail over the dimensions shown in Section 4.1.

(3) Accessory buildings are permitted in a backyard in accordance with the provisions of subsection 4.2.5. The specified maximum lot coverage applies to the primary and accessory buildings combined.

(4) Side yards shall meet the requirements of subsections 4.2.3 and 4.2.4. Required minimum side yard may in some circumstances be reduced in accordance with the provisions of subsection 4.2.4.

(5) The height limitations do not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, and other necessary features usually carried above roofs, nor to towers or spires of churches and other buildings, so long as such features are not used for living purposes. In a Single Residence district, the indicated height limits do not apply to a dwelling on a lot of five acres or more, or to a school; in either such case the limitation is three stories.

(6) The dimensional requirements of the nearest residential district shall apply.

(7) Existing premises in a Roadside Business District with less Frontage may be used provided that such frontage shall not be further reduced. No building or structure shall be located nearer than 30 feet to any other detached building or structure on the premises.

(8) No minimum Lot size is specified; however, reference is made to the set back requirements of the Table (Section 4.1) and the off street parking and loading requirements of Section 15.2 as applicable.

(9) This figure decreases to 70% if the Lot is a corner lot.

(10) Exception may be made in accordance with subsection 4.2.6.

(11) Also, a building must be at least sixty feet from Residence District Boundary. Exceptions to the side line and back line set back requirements may be made in accordance with subsection 4.2.6.

(12) No building or structure shall extend within 75 feet of any other detached building or structure on the premises.

(13) No building or structure shall extend within 60 feet of any street line.

(14) Minimum front yard width shall be calculated in accordance with the requirements of subsection 4.2.9.

4.2 Additional Information on Dimensional Requirements. In addition to the requirements shown in Section 4.1 and its footnotes, the following dimensional requirements are imposed:

4.2.1 Lot Area - The area of any Lot for the purpose of ascertaining the minimum required shall not include any part of the street or way upon which it abuts; however, any area set aside by the Planning Board as a temporary turn-around area which exceeds normal street width on a dead end street intended for extension may be included.

4.2.2 Exceptions - The following are exceptions to the general requirement in a residence district that all structures must be set back at least 55 feet from the center line, or 30 feet from the street line, of any street, whichever is greater.

(a) A building in existence on March 1, 1960 may be set back no less than 50 feet of the centerline of any street.

A one-story porch attached to such a house may be set back no less than 20 feet from any street line. A centerline setback requirement shall not apply to such a porch.

A two-story porch attached to such a house which is unenclosed for at least six months of the year may project 6 feet into the front yard.

(b) In a single residence district where there are two or more existing buildings which predate the adoption of these by-laws (September 5, 1934) and which are located on the same side of the street and not separated by another street, a building or structure on a Lot lying within 200 feet of any such existing building may be located as near to the street line as the average alignment of such two or more existing buildings.

4.2.3 Visibility at Street Corners - On a corner Lot no planting, structure, or part of a building shall extend within 20 feet of any corner street line intersection so as to interfere with the traffic visibility around the corner.

4.2.4 Side Yards - Every dwelling shall have a side yard between the dwelling and each side lot line of not less than 15 feet clear width. When a Pre-existing Non-conforming Lot has less than the minimum frontage prescribed by these by-laws, a Special Permit for a side

yard of a clear width which is less than the 15 feet prescribed in Section 4.1 may be granted by the Board of Appeals.

4.2.5 Back Yards - Behind every dwelling house there shall be provided a back yard between the rear line of the house and the rear lot line, not less than 30 feet in depth.

The back yard may contain accessory buildings, each of which shall not be not more than one and one-half stories high, none of which shall extend within ten feet of any lot line except as authorized by a Special Permit issued by the Board of Appeals, and all of which together shall cover no more than 30 per cent of the area of the back yard.

4.2.6 Setbacks in Business B Zones - No building or structure shall extend closer than 60 feet to any exterior street line or Residence District boundary.

Exception to the setback requirements from street lines may be granted by Special Permit from the Board of Appeals, provided that the exception does not reduce the distance to less than 15 feet.

Exception to the requirement for a 15-foot setback from an adjacent property line within Business District B may be granted by Special Permit from the Board of Appeals to permit development of an integrated group of buildings on separate parcels of land.

With respect to either such exception, the Site Plan shall be such as to minimize the generation of traffic hazards.

4.2.7 Agriculture and Animal Buildings - Any greenhouse heating plant, and any building, excepting dog kennels, in which farm or pleasure animals are kept shall be distant not less than twenty feet from any lot line.

4.2.8 Public Building Setback - No hospital, nursing home, public or charitable institutional building shall be set back less than 30 feet from any lot line.

4.2.9 Residential Front Yards - In a 20,000 square foot or 30,000 square foot zone in a single residence district, no building Lot shall be laid out, and no dwelling shall be erected on a Lot, unless the center of a circle 75 feet in diameter can be passed along a continuous line from the street property line along

which the frontage of the Lot is measured to any point of the dwelling or proposed dwelling on the Lot without the circumference intersecting any side lot lines.

In a 40,000 square or 60,000 square foot zone in a single residence district, no building Lot shall be laid out, and no dwelling shall be erected on a Lot, unless the center of a circle 100 feet in diameter can be passed along a continuous line from the street property line along which the Frontage of the Lot is measured to any point of the dwelling or proposed dwelling on the Lot without the circumference intersecting any side lot lines.

This subsection 4.2.9 shall not apply to an existing dwelling for which a building permit has been issued as of April 27, 1983, or to any alteration, extension, or structural change thereto.

4.3 Creation of Substandard Lots Prohibited. The division of a parcel of land in a manner which will produce a parcel which does not have the minimum frontage and acreage required for the zone in which the land is located is prohibited. A division or sale of land which results in conforming lots is permitted.

5.0 RESIDENTIAL DISTRICTS

5.1 Permitted Uses. In Single Residence Districts only the uses shown as permitted in the Table of Uses, Section 3.1, shall be permitted. No building or premises shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for the landing or taking off of aircraft.

5.2 Height, Area and Yard Requirements. The height, area, and yard requirements shown in Section 4 are applicable.

5.3 Accessory Dwelling Unit. An Accessory Dwelling Unit is permitted in an owner-occupied single residential dwelling pursuant to a Special Permit provided that:

5.3.1 It occupies no more than 35% of the gross floor area of the building, exclusive of any garage, shed or similar structure attached to the principal building.

5.3.2 The Lot on which the accessory unit is to be situated contains at least 20,000 square feet, and at least 75% of the requirement for the district in which it is located.

5.3.3 No more than one accessory unit shall exist on the Lot on which it is to be situated.

5.3.4 The building in which the accessory unit and the principal residence are to be situated existed on January 1, 1980.

5.3.5 Any additions made after January 1, 1980, to a building for the purpose of accommodating an accessory unit shall not increase the habitable area of the original building by more than 20%; any such additions must meet all zoning requirements; no additions for the purpose of adding an accessory unit shall be allowed on a nonconforming Lot.

5.3.6 Either the accessory unit or the principal residence shall be occupied by the owner of the Lot on which the accessory unit is situated.

5.3.7 The accessory unit and the principal residence shall each have two means of egress to grade which are in compliance with the Building Code.

5.3.8 Sufficient parking spaces, not less than ten feet by twenty feet, shall be provided off-street for the occupants of each dwelling unit.

5.3.9 The Board of Health shall have given written approval that the septic system serving the dwelling with the accessory unit is in compliance with the Rules and Regulations of the Wayland Board of Health in effect at the time of application for Special Permit, unless a variance is granted by the Board of Health.

5.3.10 Where a Special Permit has been issued pursuant to the provisions of this Section, the permitted use must commence within one year, otherwise said permit shall lapse.

5.3.11 Floor plans of the accessory unit and the principal residence, and a plot plan showing the location of the building on the Lot, shall have been filed with the application after review by the Building Inspector.

5.3.12 Application for a building permit or certificate of occupancy shall be made to the Building Inspector, and no use or occupancy shall commence prior to the issuance of a Certificate of Occupancy by the Building Inspector.

5.3.13 A special permit issued under this Section shall have a maximum term of five years, after which it must be renewed for a further term.

5.4 Conversion to Two Housekeeping Units. The Board of Appeals may, grant a Special Permit for the conversion of a dwelling for a single housekeeping unit existing on September 5, 1934 into a dwelling for two housekeeping units provided that:

5.4.1 The Lot on which the house is located conforms to the area and frontage regulations set forth in these By-Laws in effect at the time that the application for a permit shall have been filed.

5.4.2 Each housekeeping unit shall have its own kitchen and at least one bathroom.

5.4.3 Each housekeeping unit shall provide for sufficient space to park two automobiles off street.

5.4.4 A Disposal Works Construction Permit for such use shall have been granted by the Board of Health.

6.0 CONSERVATION CLUSTER DEVELOPMENT

6.1 Purpose. The purpose of the Conservation Cluster Development is to promote the more efficient use of land in harmony with its natural features, encourage the preservation of open land for conservation, agriculture, open space, and recreational use, preserve historical and archeological resources, protect existing or potential municipal water supplies in accordance with the intent of this by-law. An owner or owners of a tract of land within a Single Residence District, or an authorized agent or agents of such owner or owners, may apply for a Special Permit exempting such land from the lot area and frontage, yard, setback and width of lot requirements of Section 4.0. The Planning Board is designated as the Special Permit granting authority for all purposes under this Section and shall adopt rules and regulations with respect to the administration of applications for special permits under this Section. The Planning Board may, under restrictions which will carry out the provisions of this Section and tend to protect and improve the neighborhood, direct in writing the issuing of Special Permits for Conservation Cluster Developments.

6.2 Site Plan. In addition to any other documents or information required by the Planning Board pursuant to its rules and regulations adopted hereunder, application for a Special Permit pursuant to this Section shall be accompanied by a Site Plan (the "Plan"), which shall show all of the information required for a definitive subdivision plan as specified in the Wayland Planning Board Subdivision Rules and Regulations, such additional information required by paragraphs a-e of Section 14.6.1 of this by-law as the Planning Board deems necessary, and, to the extent applicable, all proposed instruments to be recorded with the plans.

6.3 Basic Requirements. A Conservation Cluster Development may be permitted provided that:

6.3.1 The Planning Board finds that the proposed plan is in harmony with the purposes and intent of this by-law and this Section;

6.3.2 The area of the tract of land is not less than ten (10) acres;

6.3.3 The number of lots on which there is to be a single dwelling unit does not exceed the larger of the following:

(a) The number of building lots which could be created in the tract shown on such Plan without a

Special Permit hereunder, plus one Lot for each ten of such building lots which could otherwise be created.

For example, if:

T = total number of permissible lots under Section 6,

N = number of lots which could be created in the tract, then:

$$T = N + \frac{N}{10};$$

or

(b) The number of building lots obtained by dividing 90% of the total area of the tract, exclusive of land situated within the Flood Plain or designated as Wetlands by the Conservation Commission, by the minimum lot size permitted in the district within which the tract is located, plus one lot for each ten lots so arrived at from such division.

For example, if:

T = total number of permissible lots under Section 6,

A = total area of the tract

W = wetlands area

FP = flood plain area

M = minimum lot size, then:

$$T = \frac{.9 \times (A-W-FP)}{M} + \frac{.9 \times (A-W-FP)}{10M}$$

6.3.4 Each of the building lots shown on the Plan has adequate frontage, but no less than fifty (50) feet, on a public or private way.

6.3.5 Each of the building lots shown on the Plan is of a size and shape as shall provide a building site which shall be in harmony with the natural terrain and other features of the tract, but no such lot shall have

an area of less than 20,000 square feet as shown on the Plan.

6.3.6 The front, side and rear yards of each Lot shall be shown on the Plan by dashed lines indicating the area within which a building may be built; provided that all dwellings and accessory buildings shall be set back at least fifteen (15) feet from the perimeter of the tract and fifteen (15) feet from any open land.

6.3.7 At least 35% of the land area of the tract, exclusive of land set aside for road area, shall be open land, and that the open land shall include all land not dedicated to roads or building lots. For the purpose of this Section, open land is defined as a parcel or parcels of land or an area of water, or a combination of land and water, not including roads or ways, whether public or private, to be used for open space, conservation, agriculture, outdoor recreation, park purposes, or some combination of the foregoing,

6.3.8 Open land shall be conveyed as follows:

(a) to the Town, which shall accept it for park or open space use; or

(b) to the Sudbury Valley Trustees, Inc. and its successors, or to another non-profit conservation organization approved by the Planning Board, the principal purpose of which is the conservation of open space; or

(c) to a corporation, trust or association owned or to be owned by the owners of lots or residential units within the tract, provided that if such a corporation, trust or association holds title, ownership thereof shall pass with conveyances of the lots or residential units;

If ownership is in an entity other than the Town (as in (b) or (c) above) there shall be sufficient rights in the Town to provide that such land shall be kept in an open or natural state, and provision shall be made so that the Town can enforce any other restrictions or easements imposed upon the open land by the Planning Board as conditions of its Special Permit grant.

6.3.9 Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit the open land to be used for subsurface waste disposal where the Planning Board finds that such use will not be detrimental to the character or quality of the open land.

6.3.10 All dwelling units shall be in detached buildings and there shall not be more than one dwelling unit in a building.

6.3.11 If the land shown on the Plan includes land in two Residence Zones, all of the land shall, for all purposes of this Section, be considered as lying entirely within the zone having the largest area and frontage requirements, except that if 75% or more of the total area shown as building lots lies within one Residence Zone, all of the land shall be considered as lying within that zone.

6.3.12 No Lot shown on the plan for which a permit is granted under this Section may be further subdivided and a notation to this effect shall be shown on the plan.

6.4 Special Permit and Planning Board Procedures. The Planning Board shall give notice and hold a public hearing in accordance with law, which hearing shall be held within sixty-five (65) days after the filing of the application with the Planning Board.

6.4.1 The Planning Board may, after due consideration of the reports and recommendations of the Conservation Commission and the Board of Health, grant a Special Permit provided that the proposed Plan has been approved in accordance with Section 6.5.

6.4.2 If a Special Permit is granted, the Planning Board shall impose as a condition that the open land shall be conveyed, free of any mortgage interest or security interest, and subject to a perpetual restriction of the type described, prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Building Inspector's issuance of a building permit for any lot. The petitioner shall provide satisfactory assurance of said conveyance and recording in the form of copies of the recorded instruments bearing the recording stamp, and of such freedom from encumbrances.

6.4.3 The Planning Board may, in appropriate cases, impose as a condition of the Special Permit further restrictions, conditions and safeguards upon the tract, or parts thereof, to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town.

6.5 Planning Board Decision. In connection with the granting or denying of a Special Permit under this Section, the Planning Board shall issue to the applicant and shall file with the Town Clerk a written decision. Such decision must be reached and filed with the Town Clerk and sent or delivered to the Applicant within ninety (90) days after the public hearing held on the application for the Special Permit. Failure to so act shall be deemed approval in accordance with law.

The decision shall include as a minimum:

6.5.1 A determination of the maximum number of lots upon which dwellings could be constructed without a Special Permit hereunder; and a determination of the area of the tract usable for residential construction in accordance with subsection 6.3.3.

6.5.2 A general description of the neighborhood in which the tract lies and the effect of the plan on the area.

6.5.3 The relation of the proposed development to long range plans of the Town, if any.

6.5.4 The extent to which the proposed development is designed to take advantage of the natural terrain of the tract.

6.5.5 The extent to which the proposed open land is of such a size, shape and location and has such adequate access so as to benefit the Town.

6.5.6 If the Planning Board grants the Special Permit, the finding required by subsection 6.3.1.

6.5.7 If the Planning Board denies the Special Permit, its reasons for so doing.

6.5.8 If the Planning Board disagrees with the recommendations of the Conservation Commission or the Board of Health, its reasons for so doing.

6.5.9 If by the terms of the Special Permit the Planning Board permits the open land to be used for subsurface waste disposal, the finding required by subsection 6.3.9 shall be included.

6.6 Special Permit Lapse or Amendment.

6.6.1 A Special Permit granted under this Section shall lapse within eighteen months if substantial

construction has not begun by such date except for good cause shown and approved by the Planning Board.

6.6.2 Following the granting by the Planning Board of a Special Permit under this Section, it may, upon application and for good cause shown after notice and a public hearing as required for granting a Special Permit, amend the Plan solely to make changes in lot lines shown on the Plan; provided, however, that no such amendment shall:

(a) Grant any reduction in the size of the open land as provided in the Special Permit;

(b) Grant any change in the layout of the ways as provided in the Special Permit;

(c) Increase the number of building lots as provided in the Special Permit; or

(d) Decrease the dimensional requirements of any building lot below the minimum required by this by-law.

7.0 ROADSIDE BUSINESS DISTRICT

7.1. Permitted Uses. In a Roadside Business District only the uses shown as permitted in the Table of Uses in Section 3.1 shall be permitted.

If a limitation or requirement contained in Section 5 or Section 8, as well as a limitation or requirement contained in this Section 7, is applicable to any use in a Roadside Business District, the more stringent of the two requirements shall be imposed.

7.2. Height, Area and Yard Requirements. The height, area and yard requirements applicable in a Roadside Business District are shown in Section 4.

7.3. Off-Street Parking and Loading; Outdoor Use Limitations. In a Roadside Business District:

7.3.1 Except where adjacent premises are served by the same driveway openings, each Lot shall be provided with two driveway openings onto the street, one of which shall be used for entrance to and the other for exit from the premises.

Not more than two such openings shall be permitted for each 200 feet of street frontage.

Such openings shall be not more than 20 feet in width at the street line and located not less than 40 feet apart measured along said line, and not less than 20 feet from side lot lines.

Where approval by the Massachusetts Department of Public Works is required in connection with driveway openings onto state highways, the provisions of this subparagraph 7.3.1, shall be waived and the regulations of said department shall be applicable.

7.3.2 Each Lot shall provide adequate areas off the street for parking of cars of employees and customers in order to avoid undue interference with traffic. The issuance of a building permit shall not be construed as an approval of the adequacy of such parking areas.

7.3.3 Not more than one sign, other than those which are attached to and are part of the architectural design of a building or structure, shall be permitted on each Lot.

Accessory signs shall not be located nearer than 30 feet to any property or street line.

The requirements of Section 15.1 are also applicable.

7.4. Sidewalks. Reference is made to Section 15.5 for requirements for sidewalks.

8.0 BUSINESS DISTRICT A

8.1 Permitted Uses. In Business District A only the uses shown as permitted in the Table of Uses in Section 3.1 shall be permitted, and then only in a manner which does not create offensive or unreasonable noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and which is not dangerous to the public health or safety.

8.2 Height, Area and Yard Requirements. The height, area and yard requirements applicable in Business District A are shown in Section 4. Additional dimensional regulations for automobile sales, service and repair garages and for gasoline service stations are described in the special provisions applicable to those uses (Section 8.6).

8.3 Off-Street Parking and Loading; Outdoor Use Limitations. Reference is made to Section 15.1 as to limits on outdoor display of merchandise and on location of signs

and exterior lighting generally; and to Section 15.2 as to requirements for off-street parking and loading areas, including requirements for the lighting of parking areas.

8.4 Sidewalks. Reference is made to Section 15.5 for requirements for sidewalks.

8.5 Special Provisions Relating to Restaurants and other Places for the Serving of Food or Beverages. In addition to restrictions and limitations applicable to businesses generally in Business District A, the following special provisions shall be applicable to Restaurants:

8.5.1 The Board of Appeals may permit a restaurant where in its opinion a clearly established need will be served by such a use of the premises.

8.5.2 The Board of Appeals shall also satisfy itself that the use of the premises shall not be against the public interest, shall not derogate from the character of the neighborhood in which the use is to occur, and shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety.

8.5.3 The Board of Appeals may permit food or beverages to be served or consumed on the premises outside the building, subject to such safeguards and limitations as it may impose in its approval of the site plan, so long as such use shall be incidental to such consumption inside the building.

8.5.4 The area of the premises to be traversed by motor vehicles shall be paved or otherwise covered with a suitable material.

8.5.5 Properties in abutting residential districts shall be protected from headlight glare by such methods as the Board of Appeals may require.

Any protection required shall be maintained in good condition at all times.

No signs or advertisements shall be attached to any protective screening or fence except on the side facing the use of the premises.

Such protective screening or fence may be interrupted by normal entrances or exits.

8.5.6 A raised granite curb at least six inches in height shall be installed along the edge of the street except at driveway openings.

8.5.7 Illumination of outdoor areas shall be shielded so as not to shine upon any property in a residential district.

8.5.8 The use of banners, pennants, pinwheels, or other advertising novelties is prohibited.

8.5.9 The Board of Appeals may impose such additional conditions with respect to the size, construction, use, maintenance and operation of the premises and the vehicular and pedestrian access thereto as may be appropriate.

8.6 Special Provisions Relating to Automobile Sales and/or Service and Repair Garages and to Gasoline Service Stations. In addition to restrictions and limitations applicable to businesses generally in Business District A, the following special provisions shall be applicable to automobile sales and/or service and repair garages and to gasoline service stations:

8.6.1 The following special provisions shall be applicable to all automobile sales and/or service and repair garages and all gasoline service stations:

(a) The entire area of the premises to be traversed by motor vehicles shall be paved.

(b) No parts or partially dismantled vehicles shall be stored out of doors.

(c) With respect to sidewalks, the strip between the sidewalk and the street property line shall be maintained as a grass area, and the four foot strip between the sidewalk and the remainder of the lot shall be planted with suitable evergreen shrubs. Section 15.5 is also applicable.

(d) Driveways shall be paved and join the street and cross sidewalks at right angles, shall not be more than 24 feet nor less than ten feet wide at any point, shall be at least ten feet from any lot line and shall be at least 20 feet apart.

No such driveway shall be within 25 feet from the intersection of street lines, except that in the case of a gasoline service station the drive may be less than 25 but must be at least 20 feet from any such intersection.

No more than two driveways shall be permitted for each 100 feet of street Frontage.

(e) Buildings shall occupy no more than 25% of the lot.

(f) The minimum set back for all structures shall be 40 feet from the street property line, with minimum setbacks from other lot lines to be 25 feet; provided, however, for gasoline service stations, gasoline pumps may be set within 40 feet but shall be at least 20 feet from the street property line and 25 feet from side and back property lines.

(g) The maximum height of any structure shall be 35 feet. Note (5) to Section 4.1 (relating to the exclusion of certain above-the-roof structures) is applicable.

(h) Properties in abutting residential districts shall be protected from headlight glare by either (x) a strip at least four feet wide, densely planted with shrubs at least four feet high at the time of planting and which are a type that may be expected to form a year-round dense screen at least six feet high in three years, or (y) an opaque fence of uniform appearance at least five feet high, but not more than seven feet high, above finished grade.

The protection afforded shall be maintained in good condition at all times.

No signs or advertisements shall be attached thereto except on the side facing the use of the premises.

Such protective screening or fences may be interrupted by normal entrances or exits.

(i) A raised granite curb at least six inches in height shall be installed along all street lines except at driveway openings.

(j) Illumination on outdoor areas shall be sheilded so as not to shine on any property in a residential district.

(k) The use of banners, pennants, pinwheels or other advertising novelties is prohibited.

8.6.2 The following special provisions are applicable to automobile sales and/or service and repair garages but not to gasoline service stations:

(a) Washing, lubricating and major repairing of vehicles are to be performed inside of enclosed buildings.

(b) Dispensing of fuels, lubricants, and fluids is to be done entirely on the premises.

(c) Auto dismantling and junk operations are prohibited.

8.6.3 The following special provisions are applicable to gasoline service stations but not to automobile sales and/or service and repair garages:

(a) The Board of Appeals may issue a Special Permit where in the opinion of the Board a clearly established need will be met.

(b) Washing, lubricating and making of repairs shall be performed inside the building.

(c) No major repairs, such as body work, shall be performed.

(d) Sales or rental or display for sale or rental of motor vehicles or trailers is prohibited.

(e) No services or merchandise other than accessory, portable automotive merchandise may be displayed or sold on the premises.

(f) No vehicles shall be stored out-of-doors, except for those used by employees and those used in direct operation of the business.

8.6.4 Special provisions with regard to minimum lot area are as follows:

(a) For automobile service and repair garages, minimum Lot Area shall be 30,000 square feet and minimum Frontage shall be 125 feet.

(b) Minimum Lot Area for automobile sales and for automobile sales, service and repair garages shall be two acres and minimum Frontage shall be 200 feet, and no structure shall be less than 100 feet from any residential building.

(c) Minimum Lot Area for gasoline service stations shall be 40,000 square feet and minimum Frontage shall be 200 feet on any street and no structure shall be set back less than 100 feet from any residential building.

9.0 BUSINESS DISTRICT B

9.1 Permitted Uses. In Business District B only the uses shown in the Table of Uses in Section 3.1 shall be permitted, and then only in a matter which does not create offensive or unreasonable noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and which is not dangerous to the public health or safety.

9.2 Height, Area and Yard Requirements. The height, area and yard requirements applicable in Business District B are shown in Section 4.

9.3 Off-Street Parking and Loading; Outdoor Use Limitations. No outdoor display of merchandise for sale, other than farm and nursery produce, shall be permitted.

All signs and all outdoor displays shall be at least 15 feet from the exterior line of any public or private way.

Reference is made to Section 15.1 as to requirements for signs and exterior lighting generally; and to Section 15.2 as to off-street parking and loading requirements, including requirements for the lighting of parking areas.

9.4 Sidewalks. Reference is made to Section 15.5 for requirements for sidewalks.

9.5 Special Provisions Relating to Restaurants and other Places for the Serving of Food or Beverages. The provisions of Section 8.5 are applicable in Business District B as well as in Business District A.

10.0 REFUSE DISPOSAL DISTRICT

10.1 Permitted Uses. In a Refuse Disposal District only the following uses are permitted:

(a) The disposal and treatment of septic tank pumpings under applicable regulations at a septic treatment facility.

(b) The disposal of refuse at such sanitary landfill areas as may have been designated by the Board of Health, all in accordance with its rules and regulations.

(c) The removal of such vegetation, sod, loam, gravel, stone and other earth materials as may be authorized from time to time by the Road Commissioners. Reference is made to Section 15.3 as to special provisions applicable to such removals.

11.0 LIGHT MANUFACTURING DISTRICT

11.1 Permitted Uses. In a Light Manufacturing District only the uses shown as permitted in the Table of Uses in Section 3.1 shall be permitted. If a limitation or requirement contained in Section 5, Section 8, or Section 9, as well as any limitation or requirement contained in this Section 11 is applicable to any use in a Light Manufacturing District, the more stringent of the requirements shall be imposed.

11.2 Height, Area and Yard Requirements. The height, area and yard requirements shown in Section 4 are applicable in a Light Manufacturing District.

11.3 Off-Street Parking and Loading; Outdoor Use Limitations. Reference is made to Section 15.1 as to requirements for signs and exterior lighting and outdoor display. See also Section 8.6 as applicable.

Off-Street parking and loading requirements appear in Section 15.2.

11.4 Sidewalks. Reference is made to Section 15.5 for requirements for sidewalks.

12.0 LIMITED COMMERCIAL DISTRICT

12.1 Permitted Uses. In a Limited Commercial District only the uses shown as permitted in the Table of Uses in Section 3.1 shall be permitted. If a limitation or requirement contained in Section 5, as well as a limitation or requirement contained in this Section 12, is applicable to any use in a Limited Commercial District, the more stringent of the two requirements shall be imposed.

12.1.1. An approval given by the Board of Appeals prior to June 1, 1954 for the uses described in Section 3.5.3, 3.6.1, 3.6.2 and 3.6.3 shall be considered to be a Site Plan Approval.

12.2 Height, Area and Yard Requirements. The height, area and yard requirements shown in Section 4 are applicable in a Limited Commercial District.

12.3 Off-Street Parking and Loading; Outdoor Use Limitations. In a Limited Commercial District:

12.3.1 Premises shall have an adequate area for off-street parking of motor vehicles incident to use of the premises. The issuance of a building permit shall

not be construed as approving the adequacy of such parking area.

12.3.2 Not more than one billboard or other advertising sign within public view shall be permitted on each premises other than signs not subject to Town regulations. The requirements of Section 15.1 are also applicable.

12.3.3 All facilities and all articles stored on the premises shall be located within enclosed buildings except as otherwise provided in a Special Permit granted by the Board of Appeals for the use of an adequately screened storage yard.

12.3.4 No loading platforms shall be located on the street side of any building or on the side of any building facing a residence district on any lot which adjoins a residence district.

12.4 Sidewalks. Reference is made to Section 15.5 for requirements for sidewalks.

12.5 Construction Criteria. Buildings and structures in a Limited Commercial District shall conform to the following requirements:

12.5.1 Structural members shall be of non-combustible construction having the necessary strength and stability and having fire resistance ratings of not less than four hours for exterior non-bearing walls and for wall panels, for columns and for wall-supporting girders and trusses, and not less than three hours for floors, for roofs, and for floor and roof-supporting beams, girders and trusses.

12.5.2 Exterior bearing walls and interior bearing walls, if any, shall be of masonry or reinforced concrete.

13.0 FLOOD PLAIN, WATERSHED PROTECTION AND FEDERAL FLOOD PROTECTION DISTRICTS

13.1 Overlying Districts. Any land lying within the Federal Flood Protection District, the Flood Plain District or the Watershed Protection District shall also be subject to the regulations of the Underlying Districts to the extent not inconsistent with the regulations for the applicable Overlying District or Districts and shall in addition conform to the additional requirements of the one or more Overlying Districts in which the land lies. In the event of any conflict between the regulations applying to two or more Overlying Districts which apply to the same parcel of land, the conflict shall be resolved by applying the most restrictive provisions.

13.2 Flood Plain District. The purpose of the establishment of the Flood Plain District is to protect the health and safety of persons and property against the hazards of flooding along the Sudbury River.

13.2.1 The Flood Plain District consists of all land and water areas in the Town of Wayland subject to seasonal or periodic flooding by the Sudbury River, except for temporary excavations, whose surface lies below elevation 124 feet above mean sea level. The boundaries of the flood plain district are described in Section 1.4.

13.2.2 In the Flood Plain District, any use permitted by these by-laws shall be permitted except that (a) no filling, excavating or transferring of any material which will reduce the natural flood-water storage capacity or interfere with the natural flow or recession of any flood water shall be done in the Flood Plain District, and (b) no structure shall be erected or placed in the Flood Plain District unless a Special Permit for such action or structure has been issued by the Board of Appeals. Said Special Permit shall state the conditions under which the action or structure may be done or erected or placed in the Flood Plain District.

13.2.3 Any persons seeking a Special Permit to fill, excavate or transfer material, or to erect or place a structure within the Flood Plain District shall submit an application to the Building Inspector describing the work to be done, accompanied by three copies of the plans and specifications for the proposed filling, excavating or transferring of material and for any proposed structure and in each case, a plan of the premises on which the same is to be done or situated.

Such plans and specifications shall have been approved by the Board of Health. The Building Inspector shall transmit copies of the application, with plans and specifications, forthwith to the Board of Appeals and to the Conservation Commission. The Building Inspector shall not issue any building permit, nor shall any of the proposed work be begun, until the Board of Appeals shall have issued a Special Permit pursuant to this Section 13.2.

13.2.4 The Board of Appeals shall issue a Special Permit under this Section 13.2, subject to the conditions it determines to be necessary to satisfy the conditions of this Section 13.2 if it finds that the proposed use of the premises, the filling, excavating or transferring of material, and the building or placing of any structure thereon, will not endanger the health or safety of the users or occupants thereof or of any other land in or adjacent to the Flood Plain District. In deciding applications for a permit under this Section 13.2, but without limiting the scope of the discretion of the Board of Appeals, the Board will assure to a degree consistent with reasonable use of the premises for purposes permitted in the district in which located the following:

(a) That other land in and adjacent to the Flood Plain District is protected against detrimental or offensive uses of the premises;

(b) that the methods of drainage are adequate; and

(c) that any proposed filling, excavating or transferring of materials would not result in pollution or contamination of the river or its watershed, reduction of seasonal high water storage areas, interference with the flow or recession of flood waters, or risk to the health or safety of users or occupants of land in the Flood Plain District or adjacent thereto.

In addition, with respect to any structure referred to in an application for a Special Permit under this Section 13.2, the Board of Appeals shall assure that areas to be used or occupied by human beings shall be at an elevation above mean sea level of at least 125 feet, and that safe vehicular and pedestrian movement to, over and from the premises is provided over ways having an elevation above mean sea level of at least 125 feet.

13.2.5 Nothing contained in this Section 13.2 shall limit the authority of the Board of Health with respect to premises in the Flood Plain District or

limit the authority relative thereto of the Conservation Commission pursuant to M.G.L. Chapter 131, Section 40 or limit the applicability of building codes.

13.2.6 In the event that the Board of Appeals shall find that the site selected by the applicant for the work to be done is not accessible to waters of the Sudbury River at flood stages up to 124 feet above mean sea level, it may excuse the applicant from complying with the requirements of this Section 13.2 even though the site is included in the Flood Plain District.

13.2.7 The portion of any Lot in a Flood Plain District may be used to meet the dimensional requirements for the district in which the remainder of the lot is situated.

13.3 Watershed Protection District. The purpose of the Watershed Protection District is to preserye and protect the streams and other water courses in the Town and their adjoining lands; to protect the health and safety of persons and property against the hazards of flooding; to preserve and maintain the ground water table for water supply purposes; to protect the community against the detrimental use and development of lands adjoining such water courses and to conserve the watershed areas of the Town for the health, safety and welfare of the public.

13.3.1 The boundaries of the Watershed Protection District are described in Section 1.4.

13.3.2 Except as provided in subsection 13.3.4,

(a) No building, wall, dam, or other structure shall be erected, altered or moved for any purpose, provided that non-commercial signs not exceeding four square feet in size, tents, fences, wildlife management shelters, foot paths, bicycle paths, horse paths and foot bridges are permitted if they are accessory to lawful primary uses in a single residence district and they do not affect the natural flow pattern of any water course.

(b) Dumping, filling, excavating or transferring of any material which will reduce the natural floodwater storage capacity or interfere with the natural flow patterns of any water course within the Watershed Protection District is prohibited.

13.3.3 The following uses, insofar as permitted in single residence districts, are permitted as a matter of right subject to the provisions of subsection 13.3.2:

(a) Conservation of soil, water, plants and wildlife;

(b) Outdoor recreation including play and sporting areas, nature study, boating, fishing and hunting, where otherwise legally permitted;

(c) Proper operation and maintenance of dams and other water control devices, including temporary alterations of the water level for emergency or maintenance purposes, and including removal of flashboards of a privately owned dam in order to lower the water level so as to exclude from being covered by water any land which was not flooded or saturated prior to the erection of the dam;

(d) Grazing, farming, nurseries, truck gardening and harvesting of crops;

(e) Forestry;

(f) Uses accessory to residential or other primary uses, such as flower or vegetable gardens, lawns, pasture or forestry areas.

(g) Any religious use or any educational use which is religious, sectarian, denominational or public as provided for by M.G.L. Chapter 40A Section 2.

13.3.4 Any person desiring a Special Permit to fill, excavate or transfer material, or to erect or place a structure within the Watershed Protection District shall submit a written application to the Building Inspector for a Special Permit accompanied by four copies of plans and specifications of the proposed work and plans of the premises on which the work is proposed. The Building Inspector shall forthwith transmit the application, plans and specifications to the Board of Appeals, the Board of Health and the Conservation Commission. No Building Permit shall be issued by the Building Inspector nor shall any of the work proposed be commenced until the Board of Appeals shall have issued a Special Permit under this Section.

Upon the issuance of a Special Permit by the Board of Appeals, and subject to the conditions hereinafter specified and such other special conditions and safeguards as the Board of Appeals deem necessary to fulfill the purposes set forth in subsection 13.3.1, the following uses, structures and actions to the extent permitted in single resident districts are permitted:

(a) Duck-walks and boat landings;

(b) Appropriate municipal uses, such as waterworks pumping station and parks;

(c) Temporary storage of materials or equipment;

(d) Dams, excavations or grading, consistent with the purposes of this Section, to create ponds, pools or other changes in water courses, for swimming, fishing or other recreational uses, agricultural uses, scenic features or draining improvements;

(e) Driveways and roads;

(f) Any other filling excavating or transferring of any material, or erection, alteration, enlargement, removal or demolition of any structure, upon the condition that with respect to each such action and structure the Board of Appeals determine that granting a Special Permit therefor would not result in any substantial risk of pollution or contamination of any waterway or pond, substantial reduction of seasonal high water storage areas, substantial reduction of ground water absorption areas, which serve the public water supply or other derogation from the intent and purpose of this Section 13.3.

13.3.5 The portion of any Lot in a Watershed Protection District may be used to meet the dimensional requirements for the district in which the remainder of the lot is situated.

13.3.6 All water bodies encircled by the Watershed Protection District are hereby included within said District.

13.3.7 Nothing contained in this Section 13.3 shall limit the authority of the Board of Health with respect to premises in the Watershed Protection District, or limit the authority relative thereto of the Conservation Commission.

13.4 Federal Flood Protection District.

13.4.1 The purpose of this Section 13.4 is to carry out the purposes of the National Flood Insurance Program which will enable interested persons to purchase insurance against loss resulting from physical damage to or loss of real property or personal property related thereto arising from a flood.

13.4.2 The boundaries of the Federal Flood Protection District are described in Section 1.4.

13.4.3 Within Zone A, as shown on the Flood Insurance Rate Map (FIRM), where the base flood elevation is not provided on the FIRM, each applicant for a building permit for any structure shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or flood-proofing requirements, as appropriate, of the State Building Code (current Section 744).

13.4.4 In the Floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:

(a) All encroachments, including fill, new construction, subsantial improvements to existing structures and other development are prohibited unless certification by a registered professional engineer or architect is provided by the applicant for a building and/or special permit for any such encroachment within the Floodway demonstrating that such encroachment shall not result in an increase in flood levels during the occurence of the 100-year flood.

(b) Any encroachment meeting the above standard shall comply with the flood-plain requirements of the State Building Code.

14.0 ADMINISTRATION AND ENFORCEMENT

14.1 Building Inspector. The Board of Selectmen shall designate a Building Inspector. The term "Inspector of Buildings" as used in these by-laws, shall refer to the Building Inspector.

14.1.1 The Building Inspector shall be charged with the enforcement of these zoning by-laws, and any conditions or requirements of Special Permits, Site Plan Approvals, and Variances issued under these by-laws.

14.1.2 The Building Inspector shall issue Building and Occupancy Permits, Condemnation and Demolition Orders, and other permits specified in the currently applicable Massachusetts Building Code and other Town by-laws.

14.1.3 The Building Inspector shall issue no permit under any application of any kind, unless the

plans and specifications which shall accompany such application and the intended use of any building or premises shall be, in all respects, in conformity with the provisions of these by-laws.

14.2 Zoning Board of Appeals. A Zoning Board of Appeals of three members and three associate members to be appointed by the Selectmen is hereby created under provisions of M.G.L. Chapter 40A, as amended, to assume the duties and powers given to such Board by said Chapter 40A and by these by-laws. The term "Board of Appeals" as used in these by-laws shall mean the Zoning Board of Appeals.

14.3 Application for Permits, Appeals, Variances, etc. Every application for a building or zoning permit shall be accompanied by an adequate sketch and written description of the lot, showing the buildings thereon, the location of any proposed building on the lot and the plans for any proposed building or construction.

The foregoing shall in every case comply with the provisions of these by-laws and of any procedural regulations adopted by the Board of Appeals.

14.4 Variances. The Board of Appeals shall hear and decide petitions for variances for use or activity pursuant to the provisions of M.G.L. Chapter 40A, Sections 10 and 11.

14.5 Special Permits. Certain uses are designated in this by-law as requiring Special Permits. Special Permits are granted by the Zoning Board of Appeals, or when specifically so provided in this by-law, by the Planning Board. The term "Board" as used in this Section 14.5 shall refer to the Zoning Board of Appeals or the Planning Board, as applicable.

14.5.1 Upon application for a Special Permit, the Board shall give public notice by publication in a newspaper, posting, and by mail to the applicant and all parties in interest as defined in M.G.L. Chapter 40A, Section 11 and shall hold a public hearing within 65 days of the filing of the application.

The Board must reach a decision within 90 days following the public hearing, which shall be filed with the Town Clerk and sent or delivered to the applicant. Failure to so act shall be deemed approval in accordance with law.

14.5.2 The applicant shall show to the satisfaction of the Board that the use of the premises for which application is made:

(a) shall not be against the public interest;

(b) shall not derogate from the character of the neighborhood in which such use is to occur;

(c) shall not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features;

(d) shall not otherwise be injurious to the inhabitants or their property, or dangerous to the public health and safety.

14.5.3 When not so satisfied, the Board shall refuse a permit.

14.5.4 When, in the opinion of the Board, such a permit may be granted if accompanied by conditions specially designed to safeguard the district and the Town, it shall impose such conditions and make them a part of the decision, and they shall be made a part of the permit issued by the Board.

14.5.5 A Special Permit granted under this Section shall lapse within two years if substantial construction or use has not begun by such date, except for good cause shown and approved by the Board, or otherwise provided in these by-laws.

14.6 Site Plan Approval. All business or commercial buildings in Business, Light Manufacturing, Industrial, Limited Commercial, or Roadside Business Districts as further defined in and/or with exceptions as defined in Section 3.1, shall be constructed, reconstructed, altered, enlarged, or used only in conformity with a site plan bearing an endorsement of approval by the Board of Appeals.

14.6.1 Said site plan shall include the information listed below unless otherwise permitted by the Board of Appeals. Preliminary site plans may be submitted without application where deemed appropriate by the Board of Appeals.

(a) The site plan shall be suitable for recording and shall show all existing and proposed lot lines, easements, rights-of-way, and other matters then on record at the Middlesex, South District, Registry of Deeds. It shall also show relevant physical features of the premises including natural land features (such as topographical data), manmade improvements (surface and sub surface) including allstructures, water courses, ponds, brooks, wetlands, flood plains, existing and proposed

ditches, culverts, and other water courses, methods of handling surface and sub surface drainage, ways for vehicular and pedestrian access, and such other information as the Board of Appeals may require.

(b) The applicant shall submit such material as may be required to permit the Board to evaluate the impact of the work or the use on water resources, including measures proposed to prevent pollution of surface or ground water, erosion of soil, excessive run-off of precipitation, excessive raising or lowering of the water table, flooding of other properties.

(c) The applicant shall submit such material as may be required to enable the Board to evaluate the impact of the work or the use on landscape, including an explanation with sketches as needed of design features intended to integrate the proposed new buildings, structures, plantings, etc. into the existing landscape to preserve and enhance existing aesthetic assets of the site and to screen objectionable features from neighbors.

(d) The applicant shall submit such material as may be necessary to enable the Board to evaluate the impact of the work or use on traffic in the vicinity of site. This material shall include:

(i) Traffic impact evaluation. The projected number of motor vehicle trips to enter or depart from the site shall be estimated for an average day and peak hours.

(ii) The projected traffic flow patterns for both vehicular and pedestrian access shall be described and related to the site plan, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.

(iii) The impact of this traffic upon existing streets shall be evaluated in relation to road capacities.

(e) The applicant shall submit evidence of approval by the Board of Health where required.

14.6.2 Any person desiring approval of a site plan under this Section shall submit said plan to the Building Inspector, who shall transmit it forthwith to the Board of Appeals. No building permit shall be issued until the Board has approved a site plan or has

allowed forty-five (45) days to elapse after receipt thereof without acting thereon. The Board shall have power to modify or amend its approval of a site plan on application of the owner, leasee,or mortgagee of the premises, or upon its own motion (if such power is reserved by the Board in its original approval). All of the provisions of this paragraph applicable to approval shall, where apt, be applicable to such modification or amendment.

14.6.3 In deciding applications for Site Plan Approval under this paragraph the Board of Appeals shall assure to a degree consistent with a reasonable use of the site for the purposes permitted by the regulations of the district in which located:

(a) Protection of adjoining premises against detrimental or offensive uses on the site.

(b) Convenience and safety of vehicular and pedestrian movement in relation to adjacent ways and land.

(c) Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted on the site and the methods of drainage for surface water.

15.0 PUBLIC CONVENIENCE AND SAFETY REGULATIONS

15.1 Signs, Exterior Lighting and Outdoor Display Only those signs and exterior lighting that pertain to buildings, structures, or uses permitted in this by-law, and on the same premises, are permitted. The setback requirements shown in the Table of Dimensional Requirements, Section 4.1 are applicable to signs, exterior lighting fixtures, and structures.

15.1.1 Sign - A name, symbol, or mark placed on the outside of premises to identify the occupant or advertise goods or services sold within.

(a) Signs in districts other than residence districts may not exceed 40 square feet in area and 15 feet in height, including supporting structures and light sources.

(b) A sign attached to a building may not rise above the front roof line of the building to which it is attached.

(c) Signs must be fixed in position, so as not to rotate or oscillate.

15.1.2 Lighting - Exterior lighting and lighting of signs shall be continuous illumination, not flashing, blinking, or varying in color.

(a) Exterior lighting fixtures shall be designed and placed so that the light sources shall be completely shielded or diffused so as not to produce glare at any point along the exterior lines of ways adjacent to such premises, or at premises in a residential district.

(b) Illumination of athletic fields, golf courses and tennis courts is permitted when a Special Permit is issued by the Board of Appeals.

(c) The requirements for lighting of parking areas in Business Districts A and B are shown in subsection 15.2.6.

15.1.3 The provisions of this Section do not apply to the seasonal display of lights for the purpose of celebration of holidays, or to signs and advertising devices which have been installed or erected pursuant to a special permit, which shall expire in 7 days, granted by the Selectmen to a person or persons for any of the purposes set forth in M.G.L. Chapter 180, Sections 2 and 4.

15.1.4 Specific District Requirements for signs and lighting:

(a) Residential District - Real Estate signs, referring only to the premises or tract on which they are located and having an area not exceeding six square feet are permitted. The requirements for professional announcement cards are shown in subsections 3.3.4, 3.5.1 and 3.5.4.

(b) Business Districts A and B - No outdoor display of merchandise for sale, other than motor vehicles, automobile accessories customarily sold at filling stations, and farm and nursery produce shall be permitted.

Permitted signs and all outdoor displays shall be located not closer than 15 feet to the exterior line of any public or private way.

(c) Roadside Business District - The requirements are shown in subsection 7.3.3.

(d) Limited Commercial District - The requirements for billboards and advertising signs are shown in subsection 12.3.2.

15.2 Off-Street Parking and Loading.

15.2.1 Off-Street Parking and Loading Requirements - In both Business Districts A and B off-street parking space shall be provided in connection with the original erection or increase by units or dimensions of any building or structure in the following amounts:

(a) For general retail business, commercial and personal service establishments, parking facilities on the basis of 1 parking space per 70 square feet of floor area, exclusive of basement storage space or other space not used for business purposes. In addition to this amount, 1 space for each two employees shall be provided.

(b) For office, professional or public buildings having a floor area of over 2,000 square feet exclusive of basement, one off-street parking space for each 200 square feet of ground floor area not used for bulk storage and one parking space for each 400 square feet of floor area other than the ground floor.

(c) For restaurants, lunch counters, or other facilities for eating or drinking, one parking space for each three employees, plus one additional space for each 4 seats available for patrons at tables or counters.

(d) For roadside stands, filling stations, automobile repair shops or other roadside service establishments, one parking space for each two employees plus such additional spaces for customer-motorists as the Board of Appeals shall deem necessary, in order to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

(e) For any and all uses or structures not specifically provided for in the foregoing enumeration, such parking space as the Board of Appeals shall determine to be necessary, considering the activities involved, in order to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

15.2.2 Changes - Whenever there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this Section, and whenever such change creates a need for an increase of more than 20% of the number of off-street automobile parking spaces, as determined by the requirements of this Section, more off-street parking facilities shall have been provided on the basis of the adjusted needs, as determined by this Section.

15.2.3 Mixed Uses - In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual users, computed separately in accordance with this subsection: parking facilities for one use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

15.2.4 Location of Facilities - Off-street automobile parking facilities, to the extent required in this Section may be provided either on the same lot or premises with the parking-generating activity or on any lot or premises a substantial portion of which, at least, is within 300 feet of such activity.

15.2.5 Parking areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind. The required parking areas shall be permanently available for use by patrons and employees of establishments providing such space.

15.2.6 Design standards

(a) All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas. Access to and from lots shall be through designated driveways with openings or curb cuts not in excess of 40 feet in width along the exterior line of public or private way.

(b) Parking areas shall be provided and maintained with a permanent dust free surface, shall be provided with adequate drainage and shall have bumper guards where needed for safety.

(c) If lighting is provided, the source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or any adjacent property.

(d) Parking lots immediately adjacent to a Residence District shall be adequately screened from view from said Residence District by trees, hedges or a tight fence.

15.2.7 Off-Street Loading - On the same premises with every building where goods are received or shipped, newly erected or increased by units or dimensions after March 7, 1956, adequate loading areas shall be provided. Every part of such loading area shall be located completely off the street.

15.2.8 Limited Commercial Districts - The requirements for parking and loading are shown in Section 12.3.

15.2.9 Roadside Business District - The requirements for parking and loading are shown in Section 7.3.

15.3 Removal of Earth and Sod

15.3.1 The removal of sod, loam and gravel, stone or other earth materials from any premises in any district, including such removal to effect topographical changes, shall be allowed only if a Special Permit shall be obtained from the Board of Appeals and only under such conditions as the Board may impose, with the following exceptions:

(a) Removal necessary for the construction or alteration of a building for which a building permit has been issued including the installation of walks, driveways, and other appurtenances to said building, providing that the quantity of material to be removed as certified to by a registered professional engineer or land surveyor or the Town Surveyor does not exceed that displaced by the building, walks, driveways, and other appurtenances.

(b) Removal from Town-owned land and transfer between or among such parcels.

15.3.2 Before a Special Permit is issued, the applicant shall show to the satisfaction of the Board that the removal will tend to protect and improve the neighborhood, and will not impair the useability of the area for the purposes permitted in this by-law. In addition, it shall be shown that grades to be established within the area will permit vehicular access to the area and the continuation of streets from the abutting premises, so that the area may ultimately be developed compatibly with the neighboring land.

15.3.3 Removal of sod, loam, sand, gravel, or quarried stone from within a subdivision, the plan of which has been approved by the Planning Board and duly recorded in Middlesex South District Registry of Deeds, shall be permitted when and to the extent that such is necessary for the lawful construction or alteration of a way shown on said plan, or for the lawful installation of utilities or drain pipes or drain structures in said subdivision, provided that the quantity of sod, loam, sand, gravel, or quarried stone so removed shall not exceed that in place in the particular space to be occupied by such way, utilities, drain pipes or drain structures, and subject to any requirements made by the Planning Board endorsed or referred to on the plan of such subdivision.

15.3.4 Nothing contained in this Section 15.3 shall prevent the continued use of any land for the

purpose for which it was used as of September 5, 1934, or prevent the use of any land for farms, gardens, nurseries, cemeteries, parks, playgrounds and such purposes as are incidental to or usual in connection with any of said purposes.

15.4 Visibility at Street Corners. Reference is made to subsection 4.2.3 which prohibits planting, structures and parts of buildings which obstruct visibility at street corners.

15.5 Sidewalks. In the event of the construction, reconstruction or substantial alteration of any premises which are used or intended to be used in whole or part for any industry, trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration, such sidewalk to be no less than five feet in width, set back no less than four feet from the street property line and constructed the full width of the Lot except where driveways exist, separated from the remainder of the Lot with a four foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing or potential sidewalks on abutting land.

15.6 Ungaraged and Unregistered Motor Vehicles. Unless authorized by the Board of Selectmen, not more than one unregistered and ungaraged motor vehicle shall be placed or permitted to remain on any Lot in a single residence district, and no unregistered and unsightly motor vehicle shall be placed or permitted to remain in the front yard of any such Lot. Any person so placing a motor vehicle and, if placed or allowed to remain with his or her knowledge or consent, the owner or owners of the motor vehicle and of the Lot, shall each be punishable by a fine of not more than Twenty Dollars for each offense.

16.0 PLANNED DEVELOPMENT DISTRICTS

16.1 Objective. In accord with the provisions of M.G.L. Chapter 40 A, Chapter 41, Section 81 I, the Home Rule Amendment. (Article 89) to the Constitution of the Commonwealth of Massachusetts, and every other power that the Town of Wayland may exercise, the Zoning Board of Appeals may grant special permits exempting planned developments which satisfy the terms and conditions which may properly be imposed pursuant to this Section 16.0 from certain regulations and restrictions contained in these Zoning By-laws for the purposes set forth in St. 1975,

Chapter 808, Section 2A and 6 and to achieve the following objectives.

(a) Development that conserves environmental features, woodlands, wetlands, productive farms and areas of scenic beauty, and preserves sites and structures of historical importance.

(b) Development that encourages the construction and location of multi-residence dwellings in certain sites in order to preserve open space in Wayland for all its inhabitants.

(c) Development that provides for a variety of housing in Wayland.

(d) Development that will permit the Town to continue to provide the same quality of municipal services without imposing an increased financial burden on its citizens.

16.2 Definitions.

(a) Applicant - The person or persons, including a corporation or other legal entity, who applies for issuance of a Special Permit hereunder. The applicant must own, or be the beneficial owner of, all the land included in the planned development site proposed, or have authority from the owner(s) to act for him or hold an option or contract duly executed by the owner(s) and the applicant giving the latter the right to acquire the land to be included in the site within a period of sixty days from the time that the applicant shall notify the owner(s).

(b) Bedroom - A separate room intended for, or which customarily could be used for sleeping.

(c) Buffer - An area within a planned development site adjacent to its boundaries, roads, streams and ponds which may not be developed except as provided herein.

(d) Development Schedule - A program showing the order of construction and the sequence of improvements to be built or furnished in the planned development site defined by stages where applicable.

(e) Dwelling Unit - A residence. Each residence shall contain at least a kitchen-living area, a bathroom and one or more bedrooms.

(f) Land - Land, including areas covered by water.

(g) Multi-residence Dwelling or Building - A building containing more than one dwelling unit.

(h) Public Land - Land included in the planned development site which is donated in fee, except for such encumbrances as may be permitted by the Zoning Board of Appeals, and accepted by the Town in connection with the planned development.

(i) Private Open Space - Land included in the planned development site which is neither public land nor residential land.

(j) Residential Land - Land included in the planned development site which shall be submitted by the applicant to the provisions of M.G.L. Chapter 183 A.

(k) Stage of Development - The work to be done and the number of structures to be built within any of the time limited defined by the development schedule.

(l) Wet Areas - Wet areas include water areas and other land in any of the following categories:

(a) Land having an elevation of less than 124 feet above mean sea level.

(b) All lands within the Watershed Protection District originally established by vote of the Town under Article 17 of the 1967 Annual Town Meeting as the same may be amended from time to time. See Section 13.2.

(c) Land which is ordinarily submerged during any portion of the year.

(m) Detached Unit - A building containing one dwelling unit.

16.3 Permitted Uses.

16.3.1 In a planned development district, no building or premises shall be used nor shall any building or structure be constructed, reconstructed, repaired or used, except as follows:

(a) Any use permitted as of right in a Residential District (See Section 3.0) shall be permitted

therein as of right. Prior to the issuance of a Special Permit by the Zoning Board of Appeals under this Section 16.0, a parcel of land included within a Planned Development District shall retain the residential zoning classification listed under Section 1.2 applicable to it prior to such designation by Town Meeting as a Planned Development District.

(b) Any use permitted if a Special Permit is obtained from the Zoning Board of Appeals in accordance with the provisions of Section 14.5 shall be permitted therein subject to the same provisions.

(c) Multi-residence and detached unit condominium dwellings shall be permitted therein, provided that a Special Permit is obtained from the Zoning Board of Appeals in accordance with the provisions of this Section 16.0

16.3.2 No multi-residence or detached unit condominium dwelling shall be permitted in a planned development site in the event that the applicant shall have constructed or reconstructed any building or structure on residential land for any use permitted under paragraph 16.3.1 (a) and (b) above after a Special Permit shall have been granted to the applicant pursuant to paragraph 16.5.3 (f) below.

16.3.3 For the convenience of a multi-residence condominium development of which it will be a part, retail sales and service establishments, including, without limitation, neighborhood variety food stores and drug stores, but excluding gasoline service stations or fast food stores, provided that:

(a) No more than one such establishment shall be permitted for each one hundred dwelling units constructed.

(b) No such establishment shall occupy more than 2,000 square feet of space.

(c) The Zoning Board of Appeals shall have endorsed its approval on a site plan of the establishment proposed pursuant to the provisions of Section 14.6 of these Zoning by-laws.

(d) The Zoning Board of Appeals shall find that such an establishment meets the standards set forth in paragraph 16.4 below and the objectives set forth in paragraph 16.1 above.

16.3.4 In the event that access roads and underground utility services (other than septic disposal facilities) are necessary for a planned development site, land abutting but not included in a Planned Development District may be used for such purposes provided that such use shall have been approved by a 2/3 vote of a Town Meeting, that the Zoning Board of Appeals shall have endorsed its approval thereof on a site plan of the development proposed pursuant to the provisions of Section 14.6 of these Zoning By-laws, and further provided that:

(a) The Planning Board shall find that such roads and services meet the objectives set forth in paragraph 16.1 above;

(b) The Planning Board shall find that such roads and services meet the objectives set forth in paragraph 16.4 below;

(c) Any such roads and services so permitted shall be subject to all applicable provisions of this Section 16.0 and the rules and regulations prescribed by the Planning Board pursuant to paragraph 16.7 below.

16.4 Standards.

16.4.1 Qualifying Area - In order to qualify as a planned development site, an area of land in a planned development district shall contain at least 125 contiguous acres not divided by an existing street or aqueduct. Additional areas may be permitted in a planned development site, although such areas are divided from the qualifying area by a street or aqueduct. If additional areas are so included, then the qualifying area, together with such additional areas, shall thereafter, be treated as one indivisible planned development site.

16.4.2 Principals - No application for a Special Permit shall be approved unless the Zoning Board of Appeals shall find:

(a) That the development plan proposed is financially sound.

(b) That the applicant's associates, professional advisers and contractors are qualified by training and/or experience to develop real estate and to construct multi-residence dwellings comparable to those proposed in accord with the development schedule set forth in his application.

16.4.3 Development Schedule - A development schedule shall be required that considers the capacity of the applicant to develop as well as the ability of the Town to provide public services in accord with the provisions of paragraph 16.1 (d) above.

16.4.4 Open Space Coverage - At least 70% of the area of a planned development site shall consist of public land and private open space; and at least 35% of the area of a planned development site shall be public land.

16.4.5 Preservation of Natural and Historical Features - Natural and historical features of special interest, including hill tops, cliffs and bluffs, ravines, attractive groves of trees, biological habitats of special interest, and views of unusual charm shall be preserved.

16.4.6 Ground Coverage Limitation - No more than 15% of the total area of a planned development site shall be occupied by structures, parking areas, roadways and driveways, patios, storage spaces or enclosed areas; provided, however, that buildings and structures erected on public land shall not be included in this calculation.

16.4.7 Density of Dwelling Units.

(a) The maximum number of dwelling units that may be allowed in a planned development site shall be determined by the Zoning Board of Appeals in accord with the following formula:

D=K(A-W)

D=the maximum number of dwelling units,

K=the density factor,

A=total number of acres in a planned development site, and

W=number of acres of wet areas.

(b) The density factor (K) shall be a value recommended by the Planning Board within the following ranges:

(1) 1.0 to 1.4, inclusive, in a 60,000 square foot residence zone;

(2) 1.25 to 1.75, inclusive, in a 40,000 square foot residence zone; based on the following criteria:

(i) The nature, size and distribution of the wet areas in the site as well as the soil drainage conditions there;

(ii) The topography;

(iii) The Amount and location of land available for parking, access and unobstructed areas between nearby buildings;

(iv) The extent to which the plan provides access to county or state highways or other modes of transportation; and

(v) The acreage donated to the Town for public land in excess of the minimum amount set forth in paragraph 16.4.4 above.

(c) In the event that it is proposed to develop a planned development site in stages or over a period of years, the Planning Board may recommend that the development plan provide for greater concentration of density or intensity of land use within some section or sections of the site than in other sections, provided, however, that approval of such greater concentration shall be offset by a smaller concentration in a section that shall have been completed prior thereto and provided further that the total number of dwelling units in the planned development site shall not exceed the maximum determined in accord with the aforesaid formula.

16.4.8 Number of Bedrooms - The number of bedrooms in any planned development shall not exceed twice the number of dwelling units permitted by the Special Permit.

16.4.9 Distribution of Bedrooms Among Dwelling Units.

(a) No more than 70% of the dwelling units in any planned development site, or at the completion of any stage of construction permitted in the development schedule, shall contain the same number of bedrooms.

(b) No more than 25% of the total number of bedrooms permitted in any planned development site shall be contained in detached units.

16.4.10 Maximum Number of Dwelling Units Per Building - No multi-residence dwelling in a planned development site shall contain more than 10 dwelling units.

16.4.11 Buffers - No structure may be erected nor may any land be paved within one hundred (100) feet of the perimeter of the planned development site nor from any pond, stream or road (other than ways or driveways not intended for public acceptance by the Town) unless such construction shall have been recommended by the Planning Board acting in accord with the standards set forth in its Regulations. No structure or building as defined in the most current codification of the Commonwealth of Massachusetts State Building Code may be erected on any portion of a planned development site within fifteen (15) feet of Public Land unless such construction shall have been recommended by the Planning Board acting in accord with the standards set forth in its Regulations. The Zoning Board of Appeals may, nevertheless, approve the construction in any such buffer of such structures, ways, foot and bicycle paths, fences and other landscape constructions, as well as bridges and recreational facilities recommended by the Planning Board if it shall determine that such construction and use may be in harmony with the general purpose and intent of Wayland's Zoning By-laws.

16.4.12 Separation of Buildings - The developer shall separate neighboring buildings to prevent overmassing and to assure privacy and a view to outlying open areas. Every effort shall be made to design and locate buildings to retain and reflect the character of the community in which they are located.

16.4.13 Height - No building or structure shall be more than three stories in height nor exceed thirty-five feet in height from finished grade at any point.

16.4.14 Parking - A minimum of two parking spaces shall be provided for each dwelling unit. No lot providing for residential parking shall contain more than 25 parking spaces. Each parking lot shall be screened from ways by a landscaped border which shall be at least twenty-five feet wide.

16.4.15 Utilities - All electric, gas, telephone and water distribution lines shall be placed underground in accord with the Regulations of the Planning Board

unless the Zoning Board of Appeals shall grant an exception to this requirement.

16.4.16 Access to Public Land - The applicant shall construct paths and trails leading to public lands and grant easements to the Town in and over such trails and paths.

16.4.17 Roads - All roads shall be designed, located and constructed in accord with the subdivision regulations promulgated by the Planning Board as the same may be, from time to time amended.

16.4.18 Paths - Paths for the use of residents shall be attractively designed with proper regard to convenience, separation of vehicular, bicycle and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the site.

16.4.19 Surface Drainage - The surface drainage system shall be designed in accord with the Regulations of the Planning Board.

16.4.20 Septic Disposal - All waste water treatment and or sewerage disposal facilities shall be designed and constructed in accord with the most recent provisions of the Sanitary Code promulgated by the Massachusetts Department of Public Health, the Regulations of the Board of Health and all other laws pertaining thereto.

16.4.21 Detached Units.

(a) The number of detached units in any planned development site shall not exceed 20% of the total number of dwelling units permitted.

(b) The number of detached units in any stage of development shall not exceed 40% of the total number of dwelling units permitted in such stage.

(c) In determining the number of detached dwelling units to be permitted, the Board of Zoning Appeals may consider the recommendations submitted by the Planning Board pursuant to Section 16.5.2 below.

16.5 Administration.

16.5.1 Application for a Special Permit - An application for a Special Permit to develop a planned development site shall be submitted on forms furnished by the Planning Board to the Zoning Board of Appeals.

Written notice containing a copy of said plan, shall be given by the applicant to the Town Clerk, the Conservation Commission, the Finance Committee, the Fire Chief, the Board of Health, the Inspector of Buildings, the Park and Recreation Commissioners, the Police Chief, the Road Commissioners, the School Committee, the School Building Planning Committee, the Selectmen, the Commissioners of the Water Department and the Planning Board. Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of G.L. Chapter 41, Section 81 O and 81 T as the same may be from time to time amended, a filing fee determined in accord with paragraph 16.9 below, and a development plan containing the following information and data:

(a) The name(s) and address(es) of the applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the planned development site together with the opinion of an attorney concerning owning property within the site agreeing that the development is desired.

(b) A plan suitable for recording of the planned development site showing all structures and improvements on the site, all ways and utilities serving the same, all lot lines, easements and rights of way of record.

(c) All information required by the Planning Board regarding the training and experience of the applicant, his associates, professional advisers and contractors in the development and management of real estate, the construction of multi-residence dwellings as well as their respective financial positions. Such information may include a list of all persons and organizations with which he has been associated in the development of real estate during the past ten years, including their addresses and the names of their principal officers, as well as all sources of credit upon which he relies to acquire, develop and manage the planned development site. The applicant shall furnish copies of such transcripts, records, letters of intent, contracts as to determine whether the applicant is qualified to undertake and complete the planned development proposed and whether his plan for financing the same is sound.

(d) A proposed development schedule showing the beginning of construction, the rate of construction

and development, including stages, if applicable, and the estimated date of completion.

(e) Information showing the effect, from time to time, of the development on the Town's capacity to furnish services including, but not limited to, schooling, roads, water and sanitation.

(f) A map, to the scale required by the Planning Board, of the planned development site and the community surrounding the same to a distance of one half mile and showing all proposed points of interconnection including roads, open space, utilities and schools.

(g) A plan or plans to the scale required by the Planning Board, the topography of the site at a minimum of two foot intervals, as well as vegetation and special features, including all woodlands, wetlands, groups of trees or individual trees worthy of preservation, rock outcroppings, significant slopes, trails and paths, flowing streams and drainage ways, and ponds, productive agricultural lands, open vistas; structures of historical importance and biological or wildlife habitats.

(h) Plans for the preservation of the vegetation and special features shown on said plan.

(i) All information that the Planning Board may require to determine limitations on private open space, ground coverage and density.

(j) Information regarding the number and kind of dwelling units proposed, including their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.

(k) A plan or plans, to the scale required by the Planning Board, showing existing and proposed contours, roads, lighting, utility and sewerage systems; the areas to be set aside for public land, for private open space, for municipal facilities, buffers, for building structures and parking areas.

(l) A model or models illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, typical elevations, as well as the general height, bulk and appearance of structures. Perspective drawings may be required.

(m) A report showing the manner of construction of structures describing structural and paving materials, all in accord with the minimum standards prescribed in the most recent provisions of the Commonwealth of Massachusetts State Building Code and all other laws and regulations pertaining thereto.

(n) Information showing the street name and numbering system proposed and any supplementary methods proposed for identifying places and residences in the site.

(o) The organization which the applicant proposes to form, to own and maintain the residential land, including forms and plans to be used to organize and manage the same.

(p) Copies of all proposed covenants, easements, and other restrictions which the applicant proposes to grant to the Town, utility companies, the condominium and the owners thereof, including plans of land to which they are intended to apply.

(q) Proposals for the disposition of sanitary waste and storm water.

(r) Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist it in advising the Zoning Board of Appeals as to whether the applicant's development plan proposed meets the objectives of paragraph 16.1 and satisfies the standards of paragraph 16.4 above.

16.5.2 Review and Action by the Planning Board - Before submitting its recommendations to the Zoning Board of Appeals regarding a development plan, as the same may have been modified from time to time since it was first submitted, the Planning Board shall request a report from the Board of Health pursuant to M.G.L. Chapter 41, Section 81 U and hold a public hearing on such plan, giving notice of the time and place thereof and of the subject matter in accord with the provisions of M.G.L. Chapter 41, Section 81 T, as the same may be, from time to time, amended. Within 90 days after submission of such development plan, the Planning Board shall file a written report to the Zoning Board of Appeals recommending approval or disapproval of said plan. In the event that it shall recommend disapproval of such plan, the Planning Board shall make specific findings and set forth the reason or reasons therefor in such report and, where possible, shall advise the Zoning

Board of Appeals of how the plan may be adjusted to comply with, the Zoning By-laws.

16.5.3 Review and Action by the Zoning Board of Appeals.

(a) Within thirty days after it receives the report of the Planning Board upon such development plan as well as notice that the Planning Board has approved applicant's definitive plan of land pursuant to the provisions of M.G.L. Chapter 41, Section 81 U and V, if required, the Zoning Board of Appeals shall fix a reasonable time for the hearing of said application for a Special Permit, giving notice thereof in accord with the provisions of M.G.L. Chapter 40 A, Section 11, as the same may be, from time to time, amended.

(b) In the event that the Board shall decide, after the conclusion of such hearing, not to grant such a Special Permit, it shall notify all parties in interest of its decision as provided in M.G.L. Chapter 40 A, Section 15, as the same may be, from time to time, amended.

(c) If, on the other hand, the Board shall be inclined to grant such a Special Permit, it shall, within thirty days after the date of the conclusion of the public hearing, send to the applicant a proposed Special Permit containing the development plan approved, as well as such conditions and safeguards it deems appropriate to assure that the site approved shall be developed in complete harmony with the general purpose and intent of M.G.L. Chapter 40 A, Section 9 and the Zoning By-laws of the Town of Wayland. Without limiting this general purpose and intent, such conditions and safeguards shall include:

(1) A requirement that the applicant shall submit the following to the Zoning Board of Appeals:

(i) A plan suitable for recording showing all the public land, the private open space and the residential land in the planned development site;

(ii) A deed conveying to the Town a good and clear record and marketable title free of all encumbrances (except for such encumbrances as may be permitted by said Board) to all land designated as "public land" on the approved development plan;

(iii) An instrument, suitable for recording pursuant to the provisions of M.G.L. Chapter 184, Sections 26 through 33, imposing a conservation restriction for the benefit of said public land upon all land designated "private open space" on the approved development plan, but reserving to the grantor the right to use and develop the same in accord with the provisions of paragraph 16.6 below. The said restriction shall be enforceable by the Town of Wayland pursuant to the provisions of Chapter 184, Section 30; and

(iv) A master deed duly executed and recorded by the applicant submitting all residential land to the provisions of M.G.L. Chapter 183 A, as well as a copy of the By-laws duly adopted by the organization of unit owners.

(2) A development schedule bearing the signature of the applicant showing dates for:

(i) Commencement of development within one year after recording of the Special Permit applied for;

(ii) Completion of each stage of the development proposed, if applicable;

(iii) The recording of covenants, restrictions and/or easements in private open space; and

(iv) Completion of the planned development.

(3) Negotiable instruments, deposits of money and/or a performance bond of a surety company qualified to do business in the Commonwealth of Massachusetts and satisfactory to the Zoning Board of Appeals shall be furnished and maintained by the applicant and a covenant shall be executed and recorded by the applicant, running with the land, which shall be sufficient, in the opinion of the Zoning Board of Appeals to secure adherence by the applicant to the development plan approved and performance of such plan in accord with the development schedule set forth therein. All such covenants shall provide the applicant shall pay fifty dollars ($50) to the Town, as liquidated damages, for each day that shall pass after the expiration of 90 days from the time that any work shall not have been completed as required by the development schedule, unless said work shall have stopped for a period of thirty days under a court order or if it shall be stopped or delayed through no act or

fault of the applicant or of any of the contractors that he has engaged to develop the site.

(4) A requirement that the professionals and principals named in the development plan shall continue to participate in the development in the capacities specified in the plan approved, unless the Zoning Board of Appeals shall have modified the permit as hereinafter provided.

(5) Regulations to minimize inconveniences to residents in the general area, whether of noise, vibration, dust, blocking of Town roads, or otherwise.

(6) A requirement that as built drawings shall be filed with the Inspector of Buildings upon completion of each stage of the development.

(d) The applicant shall, within sixty days after he receives a copy of the proposed Special Permit from the Zoning Board of Appeals notify said Board of his acceptance of or his refusal to accept all the conditions and safeguards set forth therein. In the event that the applicant shall notify said Board that he accepts all such conditions, he shall file with his notice copies of the plan and instruments that he proposed to submit pursuant to paragraph 16.5.3 (e) below to satisfy the requirements of paragraph 16.5.3 (c) (1) through (3) above. In the event that the applicant shall not within said period notify the Zoning Board of Appeals that he accepts all said conditions and safeguards, or if he shall fail to submit copies of the aforesaid plan and instruments, the Zoning Board of Appeals shall be deemed to have denied approval of the development plan and his application for a Special Permit. The Zoning Board of Appeals and the applicant may, nevertheless, agree to a change in any such conditions, and the Board may, at the request of the applicant, extend the time during which the applicant shall notify the Board of his acceptance or refusal to accept the conditions and safeguards proposed.

(e) Within sixty days after he has notified the Zoning Board of Appeals of his acceptance, the applicant shall deliver to said Board all of the documents described in paragraph 16.5.3 (c) (1) through (3) except the instrument and master deed required by paragraph 16.5.3 (c) (1) (iii) - (iv) above, together with any and all other instruments and fees that may have been imposed as a condition or safeguard upon exercise of the Special Permit applied for.

(f) Upon receipt of all such material, the Zoning Board of Appeals may grant such Special Permit to the applicant in accord with the procedure set forth in said M.G.L. Chapter 40 A, Section 11, subject, however, to conditions and safeguards as it may impose pursuant to Section 9 of the Zoning Act.

(g) The Zoning Board of Appeals shall have no power to issue a Special Permit under Section 16.0:

(1) After the expiration of 36 months from the date on which the Attorney General shall have approved the By-law amendment designating a Planned Development District for which the Special Permit is sought unless, after the expiration of such 36 month period, the consent of all but one of the members of the Planning Board shall be given to the issuance of a Special Permit in the manner provided by M.G.L. Chapter 40 A, Section 16. Such consent by all but one of the members of the Planning Board shall be effective for 12 months from its date, and may be extended for additional 12 month periods by similar vote of the Planning Board.

(2) Unless the entire area in the Planned Development District is included in the planned development site described in the application for a Special Permit referred to in Section 16.5.1 above.

16.5.4 Permits for Use and Construction.

(a) No permit for the construction or alteration of any structure or for any new use of a structure or of land in planned development site shall be granted by the Inspector of Buildings until the Planning Board shall have reviewed a copy of each application for a building permit and/or a use permit submitted to it by the applicant and notified the said inspector in writing that:

(1) Less than one year has expired since the grant of the Special Permit or that a building or use permit has previously been granted for said site.

(2) The applicant has delivered the instrument required by paragraphs 16.5.3 (a) (1) (iii) above to the Zoning Board of Appeals;

(3) The applicant has obtained binding commitments for the financing required to complete the stage of development proposed or in progress in residential land or that he has irrevocably

committed personal funds sufficient for this purpose; and

(4) That the construction and/or use proposed is in substantial compliance with the definitive plan of the subdivision, where applicable, the planned development plan and the Zoning By-laws of the Town.

In the event that twenty days shall have elapsed after the Planning Board has received a copy of such application without submitting the aforesaid notification, the permit may issue as if the Planning Board had so notified the said inspector.

(b) In the event that the Planning Board shall determine that the applicant has not satisfied the conditions and safeguards set forth in paragraph 16.5.4 above or that any schedule, construction or use applied for will vary any of the following by ten percent or more from the planned development plan approved, it shall recommend that the Inspector of Building and Zoning withhold a permit therefor pursuant to the provisions of M.G.L. Chapter 40 A, Section 7, as the same may be, from time to time amended:

(1) The amount and location of ground coverage, including buffers;

(2) Adherence to the development schedule;

(3) The density and types of dwelling units, the size, and

(4) The number of parking spaces required;

(5) The location of utility facilities;

(6) The location of paths, ways and traffic.

(c) In such event, the applicant may either appeal such decisions of the Inspector of Buildings pursuant to the provisions of M.G.L. Chapter 40 A, Sections 8 and 15 or apply for modification of his Special Permit as hereinbelow provided.

16.5.5 Modification or Amendment of an Approved Plan.

(a) In addition to the powers conferred upon it by M.G.L. Chapter 41, Section 81 W, the Planning Board

shall have the power on its own motion or on the petition of any person interested to recommend that the Board of Zoning Appeals modify or amend its approval of the development plan annexed to its Special Permit, provided that no such recommendation may be filed until the Planning Board shall have satisfied the requirements of paragraph 16.5.2 above.

(b) No modification of the provisions of said development plan, or part thereof, contained in the Special Permit, shall, nevertheless, be made, nor shall it be impaired by the Town, except with the written consent of the applicant.

16.5.6 Abandonment - In the event that the applicant shall abandon the work described in the development plan approved, or any portion or stage thereof for a period of one hundred twenty days, or if he shall fail to commence said work within the time prescribed in paragraph 16.5.3 (c) (2) (iv) above, the Zoning Board of Appeals may, after a hearing duly called and conducted in accord with M.G.L. Chapter 40 A, Sections 11 through 15, cause a notice of abandonment to be recorded in the Middlesex, South District, Registry of Deeds. No such notice shall be recorded, however, in the event that the holder of any security interested in the planned development site, who has exercised his right to take possession of the mortgaged property and to proceed to completion of the work which he has contracted to finance, shall have delivered an instrument to the Zoning Board of Appeals, assented to by the applicant, accepting all the conditions and safeguards set forth in the Special Permit, as the same may have been, from time to time, modified; and such holder or holders shall, thereupon, be deemed the applicant hereunder. Upon the recording of a notice of abondonment, no further development shall take place in the development site unless the applicant shall have complied with the zoning and subdivision control regulations which would otherwise be applicable thereto.

16.6 Use and Maintenance of Land.

16.6.1 Use of Private Open Space - No construction in or development of private open space shall be permitted unless the Zoning Board of Appeals shall have approved any of the following uses there in its Special Permit:

(a) Utility structures and facilities.

(b) Structures and facilities accessory thereto designed for agricultural and/or recreational

purposes including structures designed to be used for the purposes and subject to the terms and conditions of paragraph 3.4.7 of the Zoning By-laws.

16.6.2 Use and Maintenance of Residential Land.

(a) No person shall occupy any structure constructed in the planned development site unless the Inspector of Buildings shall find that such structure, the land on which it is located and the improvements associated therewith, have been submitted by the applicant to the provisions of M.G.L. Chapter 183 A.

(b) In the event that any organization established under M.G.L. Chapter 183 A, Sections 8, 10 through 12 shall at any time fail to maintain its common areas and facilities in reasonable order and condition in accordance with the development plan set forth in the Special Permit, as the same may have been amended or modified from time to time, the Inspector of Buildings may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain its said areas and facilities in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen days of the notice. If the deficiencies set forth in the original notice shall not be cured within said thirty days or any extension thereof, the Town may maintain the same in reasonable condition at the expense of such organization and/or pursue any and all remedies that may be available to it under M.G.L. Chapter 40, Section 31, Chapter 40 A, or otherwise to assure the continued maintenance of all such residential land.

(c) No portion of any common areas and facilities shall be sold or otherwise disposed of by such organizations unless the Town shall have given written notice of its intent to sell and sixty days to exercise a right of first refusal.

(d) No portion of any condominium shall be removed from the provisions of said Chapter 183A without the consent thereto by a two-thirds vote of a town meeting.

16.7 Regulations.

16.7.1 The Planning Board may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in this section of the Zoning By-laws provided:

(a) Said rules and regulations are not inconsistent with said standards and conditions.

(b) A copy of said rules and regulations is filed in the office of the Town Clerk, and

(c) Any amendment or change of said rules and regulations shall not apply to any application that shall have been submitted prior to such filing.

16.8 Enforcement.

16.8.1 General Principles.

(a) In accord with the provisions of M.G.L. Chapter 40, Section 31, Chapter 40 A, Section 7, Chapter 41, Section 81 U and Article 20 of the By-laws of the Town of Wayland and every other authority and power that may have been or may hereafter be conferred upon it, the Town may enforce the conditions and safeguards imposed on the exercise of Special Permits under this Section 16.0 in equity or at law and to recover from the applicant, his successor or approved assignee(s) all moneys that may be required to complete the development plan approved.

(b) The penalty provisions of these By-laws may be imposed upon the applicant, his general agent, tenant(s), architect(s), contractor(s), or any and all persons having an interest in the development site, including mechanic's liens, mortgage or attachments.

(c) The Town shall be the beneficiary of all fines imposed on account of the violation of these By-laws in order to defray the expense of enforcing the same.

(d) All provisions of the development plan approved shall run in favor of the residents thereof but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent said provisions, whether recorded by plan, covenant, easement, or otherwise, may be enforced at law or in equity by said

residents acting individually, jointly, or through their organization.

16.8.2 Stop Order.

(a) In the event of a violation of law, an unauthorized sale or lease of the development site approved, development that deviates from the development plan approved, any use of the property that is not permitted in the development site, the failure to maintain residential land or if the applicant shall otherwise fail or neglect to comply with the conditions and safeguards imposed on the exercise of his Special Permit, the Inspector of Buildings may deliver a stop order to the applicant or his agent by certified mail, return receipt requested, and by posting the same in a conspicuous location in said site. The order shall describe the nature of the violation, and the date on which said order shall expire, which date shall not be six days later than the date of the order.

(b) Any person who shall violate the provisions of a stop order shall be deemed in violation of these Zoning By-laws.

(c) Failure of the Town to deliver a stop order for any reason shall not prevent the Town from pursuing any other legal remedy permitted under law.

16.9 Fees.

16.9.1 In order to reimburse the Town for the expense or processing the various applications hereinabove provided for the Zoning Board of Appeals may, from time to time, adopt and promulgate in its Regulations a schedule of fees payable by the applicant, a copy of which shall be kept on file and available in the office of the Town Clerk.

16.10 Dedication To Public Use.

All persons applying for a Special Permit to the Zoning Board of Appeals seeking an exception under this Section 16.0 to the regulations and restrictions contained in the Zoning By-laws of the Town of Wayland acknowledges that their proposal to construct multi-residence dwellings in the Town of Wayland will be considered by the Board by reference to the Town's objective to preserve open space for all its inhabitants by permitting a greater density of dwelling units in Planned Development Districts than would otherwise be permitted there by law, and their offer to convey

property shown as "public land" in their development to the Town shall be construed in satisfaction of a condition which the Board may lawfully impose pursuant to M.G.L. Chapter 40 A, Section 9 so that exceptions sought by applicants shall always be in harmony with the general purpose and intent of these By-laws.

16.11 Severability.

A determination that any specific portion of this Section 16.0 is invalid shall not render any other part thereof invalid.

TOWN OF WAYLAND
Board of Selectmen
41 COCHITUATE ROAD
WAYLAND, MASS. 01778

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